VOLUME 5 NUMBER 2 2002

IFAR Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

DISCOVERING GEORGIA O'KEEFFE

Stolen Titian "Flight" Recovered

Britain and Japan Sign on to UNESCO Convention

Van Gogh's "Gardener" to Stay in Italy

INCORPORATING Stolen Art Alert

IFAR *Journal*, ISSN 1098–1195, is published quarterly by the International Foundation for Art Research, Inc., 500 Fifth Avenue, New York, NY 10110. Subscription rates are $65 per year. **POSTMASTER:** Send address changes to IFAR Journal c/o International Foundation for Art Research, Inc., 500 Fifth Avenue, New York, NY 10110.

© 2002 IFAR, Inc. All rights reserved. No part of the contents may be reproduced without the written permission of IFAR. The opinions expressed by the authors in *IFAR Journal* are not necessarily those of IFAR. Publication of advertisements does not imply endorsement by IFAR.

Editor in Chief: Sharon Flescher
Editor: Kathleen Ferguson

International Foundation for Art Research (IFAR)
500 Fifth Avenue, New York, NY 10110
Tel: (212) 391-6234 Fax: (212) 391-8794 www.ifar.org

Executive Director: Sharon Flescher
Assistant to the Director: Kathleen Ferguson
Special Research Associate: Gertrude Wilmers
Consultant, Authentication Service: Virgilia Pancoast Klein

Subscription / Membership Information
Subscriber: $65 (*IFAR Journal* and notices of events)
(Overseas subscribers please add $20 for mailing.)
Associate: $100 plus overseas mailing cost
(*IFAR Journal* and one complimentary admission to an *IFAR Evening*)

Member:	Individual	$250 and above	Corporate	$1,000 and above
Patron:	Individual	$1,000 and above	Corporate	$5,000 and above
Conservator:	Individual	$2,500 and above	Corporate	$7,500 and above
Benefactor:	Individual	$5,000 and above	Corporate	$10,000 and above

Membership support of IFAR, a nonprofit educational organization, is tax deductible to the extent permitted by law. Membership inquiries and payment should be directed to IFAR, 500 Fifth Avenue, New York, NY 10110.

Board of Directors
Jack A. Josephson, Chairman; David M. Campbell, David L. Dalva II, Lee MacCormick Edwards, Robert C. Graham, Jr., Theodore N. Kaplan, Leon Levy, H. Christopher Luce, Aaron M. Milrad, Virgilia Pancoast Klein, Leon B. Polsky, John P. Richardson, Samuel Sachs II, Daniel Shapiro.

Art Advisory Council
Juan Ainaud de Lasarte, Vivian Barnett, Arthur C. Beale, Miklos Boskovits, Dietrich von Bothmer, Jonathan Brown, Margaret Holben Ellis, Linda S. Ferber, William H. Gerdts, E. Haverkamp-Begemann, Michael Heidelberg, Julius Held, David G. Mitten, Kenneth Moser, Priscilla E. Muller, Linda Nochlin, Konrad J. Oberhuber, Donald Posner, Theodore Reff, David Rosand, Willibald Sauerländer, Edward V. Sayre, Robert Schmit, Craig Hugh Smyth, Hubert F. von Sonnenburg, Theodore E. Stebbins, Jr., Joyce Hill Stoner, Harrie Vanderstappen, Kirk Varnedoe, John Walsh, Christopher J. White

Law Advisory Council
Franklin Feldman, Chairman; Jan M. Boll, W.R.I. Crewdson, Herbert Hirsch, Barbara Hoffman, Theodore N. Kaplan, John B. Koegel, John Henry Merryman, Aaron M. Milrad, Hanno D. Mott, James A.R. Nafziger, Leon B. Polsky, Daniel Shapiro, Peter R. Stern, Stephen E. Weil

IFAR wishes to acknowledge The International Music and Art Foundation, The Liman Foundation and the Eugene V. and Clare E. Thaw Charitable Trust for their generous grants in support of *IFAR Journal*.

IFAR Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

Letters to the Editor 2

Updates and Newsbriefs:

New Attribution to Rubens Changes an Ugly Duckling into a Swan 3
Conflicting Decisions on Foreign Sovereign Immunity Affect Holocaust Restitution Cases 4
U.S. and Cyprus Sign Agreement to Limit Import of Antiquities 5
Decision in Human Rights Suit over Van Gogh's *Gardener* 6
New Italian Monuments Law Causes Stir 7
Daring Heist of Two Maxfield Parrish Murals 8
Stolen Titian Recovered 9
Japan Signs on to UNESCO Convention 10

Recent UK Initiatives Against Illicit Trade in Antiquities
Including Accession to the 1970 UNESCO Convention 12
David Gaimster

Solving Puzzles, Discovering O'Keeffe: The Georgia O'Keeffe Catalogue Raisonné
Part I: *Barbara Buhler Lynes* 22
Part II: *Judith Walsh* 31

Stolen Art Alert 43

Cover: Georgia O'Keeffe (American, 1887–1986). *White Flower*, 1929. Oil on canvas, 76.5 x 91.8 cm. The Cleveland Museum of Art, 2002. Hinman B. Hurlbut Collection, 2162.1930. See article, p. 22.

LETTERS TO THE EDITOR

To the Editor:

Re: "Judge Goes into Reverse in Egon Schiele Case" by Sharon Flescher
(*IFAR Journal*, Vol. 4, no. 4/ Vol. 5, no. 1)

The new issue of the Journal is excellent, as other recent issues have been. You have made the Journal into a "must read." Congratulations.

I have one mild criticism of the otherwise flawless report on the Schiele case. You do not really mention, and accordingly do not deal adequately with, the *forum non conveniens* argument. As you know, that is the doctrine that the U.S. court, even if it has jurisdiction, should decline to exercise it if the case would be better tried elsewhere. Such a claim could be reasonably made by the defendant in this case, since the facts occurred in Austria, witnesses and physical facts are there and the applicable law is Austrian and is best found, interpreted, and applied by Austrian courts. The plaintiffs can counter effectively by showing that Austria has raised formidable barriers to suit including the requirement of an outrageously expensive bond. Further, Austria is a party in interest, casting doubt on the likelihood of a disinterested hearing and decision by the Austrian judge. So, if *forum non conveniens* were argued by the defendant in this case, the U.S. court should probably reject it and exercise jurisdiction.

John Henry Merryman
Sweitzer Professor of Law Emeritus
Stanford University Law School, Stanford, CA

To the Editor:

Re: "Putting the IFAR Cuzco Inventory to Work" by Frederic J. Truslow
(*IFAR Journal*, Vol. 4, no. 4/ Vol. 5, no. 1)

I am a detective with the Los Angeles Police Department Art Theft Detail. I am also Peruvian and am very interested in the Cuzco article and the organization you reference called Institute for Latin American Art Documentation (ILAAD). In short, I would like to help out if I can. Do you have any contact information for them?

Thank you. Also, thanks for continuing to place our stolen art in your magazine.

Detective Ivett Garay
LAPD
Art Theft Detail

IFAR EVENINGS: HOLD THE DATES

Nov. 6th – Panel on Copyright Term Extension and the Arts

Dec. 3rd – "Beyond Connoisseurship? The Future Study of Master Drawings"—Professor David Rosand

NEW ATTRIBUTION TO RUBENS CHANGES AN UGLY DUCKLING INTO A SWAN

On July 10, a painting depicting *The Massacre of the Innocents* (Fig. 1), one of the bloodiest scenes known in both *The New Testament* and the history of art, sold at Sotheby's, London for $76.6 million (£49,506,650), the third highest price ever paid for a painting at auction. Only Van Gogh's *Portrait of Dr. Gachet*, which sold at Christie's, New York in 1990 for $82.5 million, and Renoir's *Au Moulin de la Galette*, which sold at Sotheby's, New York in the same year for $82.5 million, exceeded this sum. The picture sold despite its subject matter, whose every gory detail had been almost joyously treated by the artist. Why? Because of its recent identification as a long lost masterpiece by Peter Paul Rubens and not a work by his follower, Jan van den Hoecke, to whom it had been attributed.

The difference between the modest price the picture would have fetched while carrying its previous attribution and the price it did fetch when reattributed to Rubens reveals the enormous stakes involved in the attribution of works of art. It also reveals the dangers involved in trying to introduce the balm of certainty into a field where decisions are based, in part, on subjective, albeit informed, opinion rather than on exact science.

Long thought to be the work of van den Hoecke, who was known to copy Rubens' compositions, the picture in question was rescued from high on the wall of a corridor in a monastery in Austria, where it had been reportedly banished due to the recent owner's squeamish reaction to its subject matter. Acting on their suspicions that the painting could be a lost original by Rubens himself, Sotheby's specialists went to work and did their homework well. They put together a highly plausible provenance—from 1702 to 1920 the picture was in the prestigious Old Master collection of the princes of Liechtenstein where it started out as a Rubens and, during the

Figure 1. *The Massacre of the Innocents*, newly attributed to Peter Paul Rubens, sold at Sotheby's, London, July 10, 2002.

course of the eighteenth century, was reattributed to van den Hoecke—and lined up most of the major Rubens experts on the side of a favorable attribution to the great master. At the sale, some of the foremost Old Master dealers, including Johnny van Haeften, Robert Noortman, Alfred Bader, Otto Naumann, and Richard Feigen (on behalf of the Getty Museum),[1] bid on the picture, creating a frenzy that caught Sotheby's—which had estimated the painting at between £4 and 6 million ($5,848,000 and $8,772,000)—completely by surprise. The painting was finally secured by British dealer Sam Fogg bidding, it later turned out, for David Thomson, who bought the painting for his father, the Canadian-based newspaper magnate, Lord Thomson of Fleet.

Now the new attribution to Rubens is itself being questioned, or at least so it seems according to the British press. A recent article in London's *Daily Telegraph* by Alasdair Palmer[2] quotes an artist who is said to have studied Rubens' works over many years as saying the picture "doesn't look like a genuine Rubens." The article also raises questions concerning the painting's material properties. Specifically, a pigment used in the painting called orpiment is supposedly unknown in Rubens' *oeuvre*, and the wood panel is said to have been dated by dendrochronologist Peter Klein to "sometime after 1615," four years later than the latest date experts believe Rubens could have painted the work. Sceptics, ignoring the effects such unpalatable subject matter was sure to have on later generations, have also pointed to the scant notice the painting had attracted over the years despite having been exhibited in various Liechtenstein family palaces during the nineteenth century, and in Dresden's Zwinger in the 1920's. The work had also been consigned to a dealer in Dresden in the 1930's but did not sell and, according to art world gossip, was recently offered unsuccessfully to a dealer in the Netherlands for £20,000.[3]

Just how risky the attribution business can be is further illustrated by the uncertainty plaguing several works associated with the *Massacre* picture.

[1] According to Souren Melikian in "The Old Masters close the price gap," *International Herald Tribune*, July 20, 2002, Noortman, Bader and Naumann teamed up together to buy the work.

[2] Quoted in *The Telegraph*, August 21, 2002.

[3] Reported by Melikian in the *International Herald Tribune* article cited above.

It is generally agreed, for example, that the National Gallery, London's *Samson and Delilah* (Fig. 2) approaches it most closely in style and tech-

Figure 2. *Samson and Delilah*, Peter Paul Rubens, The National Gallery, London.

nique. That work is thought to have been painted by Rubens around the same time as the *Massacre*, and, in fact, also belonged to the Liechtenstein Collection where it was also attributed to Jan van den Hoecke.[4] Such a picture originally hung over the mantle in the house of Antwerp mayor and Rubens' patron Nicolaas Rockox, and is recorded in an engraving. Now even this work, long accepted by the art establishment, is being questioned in a new book by the Greek scholar Euphrosyne Doxiadis, who claims the National Gallery version is not the original but was painted centuries later.[5]

Consider also that another version of the *Massacre*, in the collection of the Musée des Beaux-Arts, Brussels, now thought to be a studio replica, was long considered to be by Rubens himself by the foremost experts of the day. In fact, Julius Held and Michael Jaffe, who never could agree on much of anything, both attributed the work to Rubens. One wonders how these two prominent Rubens scholars (one now deceased, the other long since retired) would have reacted to the newly discovered version.

Finally, there is the question of the sketch, attributed by Sotheby's to Anthony Van Dyck (Fig. 3) which, coincidentally, turned up at the auction house's drawing sale in London on the same day as the *Massacre* painting. All agree and, in fact, a quick glance makes the connection clear,

Figure 3. *The Massacre of the Innocents*, attributed to Anthony van Dyck, sold at Sotheby's, London, July 10, 2002.

that this work is related to the *Massacre* composition—although with major differences. But is the drawing by Van Dyck, and thus most likely executed during the time he served as an assistant in Rubens' workshop around 1619? Or does the drawing represent an early working-out of the composition by Rubens himself? In this case, scholars have lined up more or less evenly on both sides of the debate.[6]

Given the dependence of Old Master attributions on connoisseurship, differences of scholarly opinion are inevitable. In this case, a record-setting amount of money is at stake.

—Gertrude Wilmers

(Special Research Associate, IFAR)

[4] The painting was bought by the National Gallery in 1980 for £2.5 million.

[5] See "Rediscovered Rubens could Make £6 million," *The Art Newspaper*, www.theart-newspaper.com/news/article.asp?idart=8994.

[6] See the catalogue of the Sotheby's London sale, July 10, 2002, under lot 166.

CONFLICTING DECISIONS ON FOREIGN SOVEREIGN IMMUNITY AFFECT HOLOCAUST RESTITUTION CASES

Two federal circuit courts have recently come to very different conclusions about the applicability of the Foreign Sovereign Immunities Act (FSIA) to WWII-era restitution cases. Under the FSIA, foreign states enjoy immunity from suit in U.S. courts, unless their actions fall within statutorily defined exceptions (such as injuries arising out of a foreign government's commercial activity). The FSIA is crucial in WWII restitution cases because it provides private parties with a means of filing suit against foreign governments and their agencies and instrumentalities. The courts are split as to whether the 1976 federal law applies retroactively and, if so, how far back it is retroactive.

Since the FSIA was passed in 1976 to codify the "restrictive" theory of sovereign immunity, in use in the United States since 1952, the question whether the Act can be applied retroactively is of the utmost importance in cases where a foreign government is being sued for its WWII-era activities. Most plaintiffs in WWII-era cases sue foreign governments under the "takings" exception (applicable when property rights are taken in violation of international law) or the "commercial activity" exception (applicable when an act occurs outside the U.S. in connection with a foreign state's commercial activity and that act causes a direct effect in the U.S.).

While a Second Circuit court in New York has determined in a recent case, *Theo Garb v. Republic of Poland*, 2002 U.S. Dist. Lexis 11176 (E.D.N.Y. June 24, 2002), that some FSIA exceptions are not retroactive at all and others are retroactive only to actions that occurred after 1952, a Ninth Circuit court in California reached the opposite conclusion in *Altmann v. Republic of Austria*, 142 F.Supp.2d 1187 (2001), finding that the FSIA exceptions to sovereign immunity *are* retroactive prior to 1952 and *do* apply to WW II-era activities by foreign governments.

"The Courts are split as to whether the 1976 federal law applies retroactively and, if so, how far back it is retroactive."

In *Garb*, the Second Circuit refused to address the merits of Theo Garb's claim that Poland had expropriated his property without compensation in 1946-7 because he was Jewish (a violation of international law), finding that the "takings" exception of the FSIA was not retroactive and the "commercial activity" exception was only retroactive to 1952. Even if the exceptions were retroactive to WW II-era activities, the Court reasoned, Garb failed to prove that Poland's actions fulfilled the requirements necessary to invoke the exceptions.

However, the Ninth Circuit reached an entirely different conclusion in *Altmann*. In this ongoing case (see *IFAR Journal*, Vol. 4, no. 4/Vol. 5, no. 1, pp. 5-6), an elderly California resident, Maria Altmann, sued the government of Austria and the Austrian National Gallery (ANG) to regain possession of six Gustave Klimt paintings that once belonged to her uncle, Ferdinand Bloch-Bauer. The paintings were confiscated by the Nazis and entered the ANG's collection after the war. The *Altmann* court relied upon a Supreme Court case, *Landgraf v. USI Film Products, Inc*, 511 U.S. 244 (1994), which instructed lower federal courts how to determine whether a statute can be applied retroactively.

—Alexandra Minkovich
(*Law Intern, IFAR*)

U.S. AND CYPRUS SIGN AGREEMENT TO LIMIT IMPORT OF ANTIQUITIES

In July, the U.S. and Cyprus signed a bilateral agreement to limit the importation to the U.S. of a broad range of archaeological objects from the pre-Classical and Classical periods. Broadly speaking, these range in date from the 8th millennium B.C. to the 3rd century A.D. and encompass ceramics, terra cotta, stone, and metal sculpture and objects, as well as floor mosaics and funeral stelae from throughout the island of Cyprus. A full list of the objects was published in the Federal Register[1].

As of the effective date of the agreement, July 19, 2002, the restricted objects can no longer be brought into the U.S. unless accompanied either by an export certificate issued by the Government of the Republic of Cyprus or documentation showing that the objects left that country prior to July 19. It should be noted that these new restrictions are separate from emergency import restrictions on Byzantine Ecclesiastical and Ritual Ethnological Material from Cyprus that were imposed by the U.S. under

Types of Objects Subject to Import Restrictions

Figure 1. Sculpture: Bronze Statue of a God. Late Bronze Age. Photo: Department of Antiquities, Nicosia, Cyprus.

Figure 2. Funerary Stele: Hellenistic Stone Coffin with Relief Decoration. 1st Century B.C. Photo: Department of Antiquities, Nicosia, Cyprus.

[1] Federal Register Notice: July 19, 2002; 67(139):47447–474500. See http://exchanges.state.gov/culprop/cy02fr01.html.

temporary legislation in April 1999. Those restrictions still apply.

The new agreement is the second with a European country (the other is Italy; see *IFAR Journal*, Vol. 4, no.1) imposed under the authority of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The United States codified that Convention into law with passage of the Convention on Cultural Property Implementation Act (CPIA) in 1983. Under the law, signatories to the Convention can apply to the U.S. for help when their cultural heritage is in jeopardy from pillage. The Cultural Property Advisory Committee (CPAC), an advisory body within the U.S. State Department, is responsible for reviewing the requests.

"The new agreement is the second with a European country (the other is Italy) imposed under the authority of the 1970 UNESCO Convention."

In addition to Cyprus and Italy, the U.S. has signed bilateral agreements under the CPIA with Bolivia, Canada, El Salvador, Guatemala, Mali, Nicaragua, Peru, and Cambodia, the latter under emergency legislation in 1999.

The U.S. was the first major art importing country to become a party to the UNESCO Convention, but it has been joined by others in recent years, including the United Kingdom, which acceded to the Convention on July 31, 2002 (see article this issue, p. 12).

—S.F.

▪ ▪ ▪

DECISION IN HUMAN RIGHTS SUIT OVER VAN GOGH'S *GARDENER* ENDS SAGA OF BEYELER v. ITALY

ITALY LOSES BUT CAN KEEP THE PAINTING

A long-running legal battle over ownership of a Van Gogh painting that ultimately involved the European Court of Human Rights has ended. On May 27, the Court ruled that Italy could keep Van Gogh's *Portrait of a Young Peasant*, also known as *The Gardener* (Fig. 1), but had to pay Swiss dealer, Ernst Beyeler, who claimed it, 1.3 million Euros in compensation and court costs, plus another 55,000 Euros in additional compensation—a small price to pay for a Van Gogh.

The complicated case concerned a Van Gogh 1889 portrait from his St. Remy period. The portrait was originally purchased in Paris in 1910 by a Florentine art dealer, Gustavo Sforni, who brought it to Italy. When Sforni died, it was inherited by a collector, who sold it in 1977 to Beyeler through an intermediary. The price was 600 million lire (approximately 310,000 Euros). In 1988 Beyeler was on the point of selling the work to the Guggenheim Museum for $8.5 million. The museum intended to install it at the Peggy Guggenheim Collection in Venice. But the Italian government intervened, exercising its right of pre-emption and purchased the painting at the 1977 sale price. It argued that, although the 1977 sale had been declared to the Italian Ministry as required by law and Italy had chosen at the time not to exercise its right of pre-emption, the Ministry had not been informed that Mr. Beyeler was the purchaser. By 1988, however, Van Gogh prices had escalated. Only the year before, one of his *Sunflowers* was sold at auction for $40 million, and two years later, his *Portrait of Dr. Gachet* sold in New York for approximately $90 million (including buyer's commission).

Beyeler sued. He first appealed unsuccessfully to the various Italian Courts and then brought a case against the Italian Government to the Court of Human Rights in Strasbourg claiming violation of his right to the protection of property granted under Article 1, Protocol 1, of the European Convention of Human Rights. In January 2000 the Court issued a partial judgment siding with Beyeler. But in May of this year, the Court issued its final judgment, still agreeing that Beyeler's rights were violated and ordering Italy to pay compensation. But it allowed the government to keep the painting.

Figure 1. Vincent Van Gogh. *The Gardener*, 1889. Oil on canvas. 61.0 x 50.0 cm. Retained by Italy in a court decision.

Interestingly, the Van Gogh is the same painting that made headlines in 1998 when it was stolen in an armed robbery from the National Gallery of Modern Art in Rome, along with another Van Gogh and a Cézanne. The three works were recovered,

unharmed, two months later, in July 1998, by the Italian police in predawn raids in Turin and Rome.

—S.F.

. . .

NEW ITALIAN MONUMENTS LAW CAUSES STIR

In mid-June 2002, Italy passed a new law allowing private ownership of state treasures. Critics are up in arms over the law's potential effects. The new law, permitting the private management and sale of state-owned cultural property, sparked a demonstration by the employees of Italian museums at the Colosseum, the resignation of Vittorio Sgarbi, the Under Secretary of the Ministry of Culture, and an international protest including a letter signed by 37 U.S. museum directors, but, as of August, the law seems to have had little effect on Italy's patrimony.

The law, passed as part of a finance reform bill, created two public-private partnerships, Patrimonio dello Stato and Infrastrutture. Patrimonio dello Stato is jointly overseen by the Economic Minister, Giulio Tremonti, and the Minister of Culture, Giuliano Urbani, and its membership is comprised predominantly of businesspeople. The intent of the legislation is to reduce Italy's deficit while raising funds for infrastructure improvements by transferring control of all state-owned property (including monuments, museums, public buildings, and land) to Patrimonio dello Stato, which will offer private parties five-year leases to manage the daily operations of the property. In return, the Italian government will receive a set percentage of the revenues, which the Economic Ministry expects to be significant. This would allow Italy to undertake much-needed improvements in infrastructure.

The law has come under attack both from economic commentators, who believe the partnership will raise little money and is not an economically viable solution to Italy's deficit problem, and from cultural and environmental organizations, which believe that management by profit-driven businesses will have a negative effect on the integrity of cultural and historical sites. Cultural and environmental organizations are especially troubled that the law reduces the Ministry of Culture to an advisory role in the daily management of Italy's cultural and historical sites, placing most of the power over Italy's patrimony in the hands of the Economic Minister and Patrimonio dello Stato's board.

While Mr. Urbani has strenuously denied his critics' charge that the new law permits the sale of museums, monuments, and archaeological sites and noted that such a sale would violate both Italy's Constitution and its civil code, critics fear that the law's vague language could allow for the circumvention of constitutional safeguards for cultural property. Of particular concern is a clause which provides that "the transfer of property of particular artistic or historical value can be effectuated [by the Economic Minister] with the agreement of the Ministry of Culture." The law's opponents are concerned that the law places few constraints upon the Economic Ministry and the Ministry of Culture regarding what property can be sold.

The law's supporters, however, have attempted to calm critics. They describe the new law simply as an

"Mr. Urbani has strenuously denied his critics' charge that the new law permits the sale of museums, monuments, and archaeological sites. . ."

expansion of a 1993 Italian law. The 1993 law turned over the operation of museum gift shops, bookstores, restaurants, ticket counters, and guided tours to private companies, and the resulting revenues are reinvested in the museums. Supporters insist that museums and other cultural property will not be sold. In a letter responding to the concerns of museum directors from around the world and published in *The Art Newspaper* (July-August 2002), Mr. Urbani declared that the law's "ultimate aim . . . is to rescue vast quantities of treasures from the cellars and show them to the public."

Regardless of the interpretation each side assigns to the law, no immediate changes to Italy's administration of its cultural patrimony can be seen, demonstrating the wisdom of the "wait-and-see" attitude adopted by many of Italy's museum personnel. In effect, the law has few champions. Italian critics of the law fear that the Colosseum, the Trevi Fountain, and other treasures could be sold, while foreign museum directors suspect that Patrimonio dello Stato will have a difficult time turning Italian cultural and historical sites into profitable enterprises.

—A.M.

. . .

DARING HEIST OF TWO MAXFIELD PARRISH MURALS

Audacious would appear to be an understatement in describing a recent theft of two enormous Maxfield Parrish murals (Figs. 1 and 2) from the walls of a Los Angeles art gallery. Thieves cut a hole in the gallery's ceiling, disabled the alarms of both the gallery and one of its neighbors, and cut the murals from their custom oak frames.

It was Sunday, July 28, and the two murals, each measuring over 5 feet by 6 feet, were hanging along with four others from the same set in the Edenhurst Gallery on Melrose Avenue in West Hollywood, L.A. Thieves sliced the two works from their frames with razor blades. But they did a sloppy job of it and, at the corners, left parts of the canvases in the frames. One of the owners of the gallery discovered the theft on Monday morning and notified the local authorities. The FBI is also involved. The four other Parrish murals in the gallery were unharmed, and nothing else was stolen. How the thieves managed to remove and transport the large works undetected is not clear.

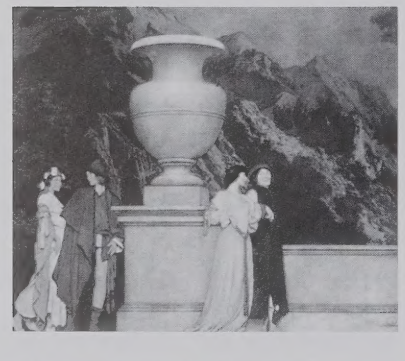


Figure 1. Maxfield Parrish. Panel 3-A of the Gertrude Vanderbilt Whitney murals (1914-18). Oil on canvas. 63 3/4" x 74" Stolen in Los Angeles.

Figure 2. Maxfield Parrish. Panel 3-B of the Gertrude Vanderbilt Whitney murals. (1914-18). Oil on canvas. 63 3/4" x 74". Stolen in Los Angeles.

The two murals were part of a mural series commissioned originally for Gertrude Vanderbilt Whitney's Fifth Avenue, New York mansion and actually installed in her Old Westbury, Long Island residence, where they remained for about 80 years. Parrish completed the group between 1914-1918. He received the commission in 1909. Mrs. Whitney approved the preliminary color sketches in 1912. In his letter accompanying the sketches, Parrish described the murals' theme as a "sort of a fete or masquerade in the olden-time. . . . people will have sauntered off on to the other walls, as though it were a court or garden. They will all be youths and girls, as we would wish things to be." The two stolen works were amongst the first murals delivered, in 1914. They were hung on the West Wall of the Long Island building. The four other murals in the Edenhurst Gallery once adorned the East and South walls of the building. Another, larger, mural from the series, over 18 feet wide, hung on the North Wall. It was not part of the gallery exhibit.

> "The gallery believed (obviously incorrectly) its alarm system to be state-of-the-art."

The oil on canvas murals were in the gallery on consignment from a syndicate of owners said to be from Texas. The stolen works are numbers 3A and 3B in the gallery's catalogue of the series, and they were being offered for sale at over a million dollars each. The gallery believed (obviously incorrectly) the alarm system to be state-of-the-art. One of its first steps after the theft was to reactivate and upgrade the system.

—S.F.

▪ ▪ ▪

IFAR JOURNAL Advertising Rates

A quarterly publication, *IFAR Journal* offers advertisers an ideal opportunity to reach art collectors, academics, museum and gallery professionals, auction houses, insurance companies, and attorneys.

Display Rates (Black and White)

Full Page $700 1/2 page $400 1/4 page $250

Directory Listings

Announcements of services, exhibitions, auctions, and events
$15 per line (maximum 10 lines)
$10 per line (IFAR Annual Supporters at $250 and above)

Income from advertising helps support the *IFAR Journal*.

STOLEN TITIAN RECOVERED

FOUND IN PLASTIC BAG AT LONDON BUS STOP CONVICTED CRIMINAL ASSISTS

It took seven years, but Titian's *Rest on the Flight into Egypt* (Fig. 1), stolen in 1995, has been found, unharmed, in southwest London. The thieves are still at large.

The audacious theft from Longleat House, the Marquess of Bath's estate in Wiltshire, England, made headlines (see *IFARreports*, Feb/March 1995), as did the recovery this August, although the latter was not just for the happy ending but for the controversial methods employed.

The small Titian painting is an oil on panel showing the Virgin Mary clasping the infant Jesus, with Joseph by her side. It hung in the State Drawing Room at Longleat. On the evening of January 6, 1995, thieves broke into the estate, removed the Titian from its frame, seized it along with two other paintings, and fled. An alarm system, linked to the police, went off, but in the brief two minutes that it took for the police to arrive, the burglars had escaped. Lord Bath's land agent, also alerted by the alarm, also arrived too late. The two other stolen paintings, a *Portrait of Eleanor of Austria*, School of Joos van Cleve (Fig. 2), and *Personification of Justice*, by Bonifazio Veronese (Bonifazio di Pitati) (Fig. 3), both oil on panel, are still missing.

Although the insurance company offered a hefty reward (£100,000), all attempts to locate the stolen works failed, and Lord Bath eventually accepted a financial settlement. But everything changed when Charles Hill, a former member of Scotland Yard's Art and Antiques Squad and currently an advisor to England's Historic Houses Association, got involved. Exhausting other avenues, Hill enlisted the help of a convicted art crook, David Duddin. Duddin, out on parole and apparently determined to turn over a new leaf, used his underworld contacts—with the reward money as added inducement—to track the work. Before the painting was located, however, Duddin leaked his involvement to the press. Hill was forced to defend his tactics, explaining to the London *Telegraph* that he "was more interested in recovering the art than capturing the criminals," and that, moreover, all else had failed.

Success wasn't long in coming after that. An underworld contact (apparently not Duddin) drove Hill around London until they spotted an old man at a bus stop in the Richmond area with a plastic shopping bag. In it, wrapped in cardboard, was the Titian. The painting will be examined by conservators, but it is apparently in good condition.

Lord Bath's family acquired the Titian in 1878 at Christie's, London. The work was once belonged to the Emperor Rudolph of Prague and later

Figure 1. Titian (Tiziano Vecellio) (Italian, 1490–1576). *Rest on the Flight into Egypt*, 1510. Oil on panel. 18" x 24". *L95.80.1. *Recovered.*

Figure 2. Joos van Cleve (Flemish, 1485–1540). *Portrait of Eleanor of Austria*. Oil on panel. 12.5" x 10". Stolen, 1995; still missing. *L95.80.2.

Figure 3. Bonifazio Veronese (Bonifazio di Pitati) (Italian, 1487-1553). *Personification of Justice*. Oil on panel. 9.5" x 7". Stolen 1995; still missing.*L95.80.3.

to the Archduke Leopold Wilhelm in Vienna. Over the years, its attribution to Titian was not always accepted. At various times it was believed to be by Giorgione or by Beccaruzzi, but its Titian attribution has been generally accepted in the 20th century, and the painting was included in the major Titian exhibition at the Ducal Palace in Venice and the National Gallery of Art in Washington in 1990-91.

Longleat is only one of several stately homes in England and Ireland that have been targeted by art thieves over the years. At the same time that Charles Hill was using Duddin to locate the Titian, he was also trying (less successfully) to find another work, *The White Duck*, a painting by Jean-Baptiste Oudry, which was stolen from Houghton Hall in Norfolk in 1992. And in this issue of *IFAR Journal* (see p. 51) we report the recovery of Rubens' *Portrait of Puteanus*, a panel painting stolen in 1986 from Russborough House, Lord Alfred Beit's mansion in Blessington, Ireland. The Rubens was one of 18 paintings stolen at that time, 2 of which are still missing.

—S.F.

▪ ▪ ▪

BREAKING NEWS

JAPAN SIGNS ON TO UNESCO CONVENTION

In what is turning out to be a busy year for ratification of the 1970 UNESCO Convention on the Prevention of the Illicit Import, Export and Transfer of Ownership of Cultural Property, Japan has just announced that it, too, has ratified the Convention.

Japan deposited its instrument of ratification at UNESCO headquarters on September 9 and, after an automatic three-month waiting period, the Convention will enter into force on December 9. Japan follows Britain's July 31st announcement of accession (see article by David Gaimster, p. 12), Albania's accession in June 2002 (into force this September), and Rwanda's ratification in Autumn 2001. Japan will be the 95th country to accede to the Convention.

Adopted by UNESCO's General Conference in November 1970, the Convention was the first attempt to establish worldwide standards for the safeguarding of cultural property in jeopardy of pillage as well as global guidelines for import and export of cultural property. (See Newsbrief this issue, "U.S. and Cyprus Sign Agreement," p. 5).

—S.F.

▪ ▪ ▪

ADVERTISEMENT

COMPREHENSIVE APPRAISAL and ADVISORY SERVICES
FINE and APPLIED ARTS

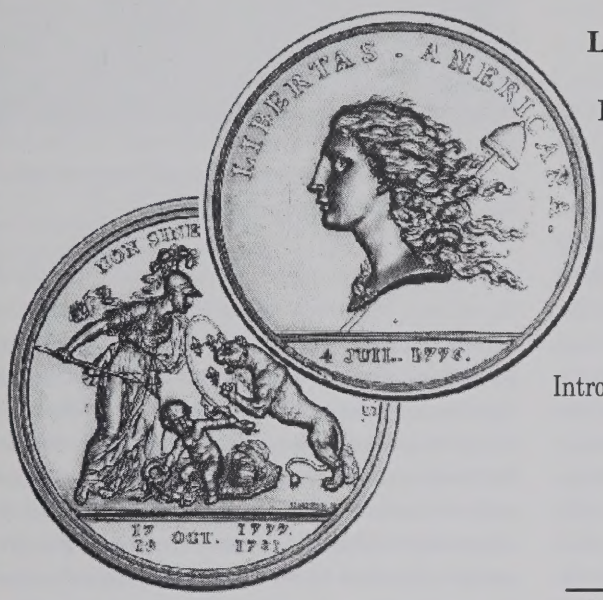
CORPORATE, INSTITUTIONAL and PRIVATE COLLECTIONS
ACCREDITED AND USPAP CERTIFIED

APPRAISAL RESOURCE ASSOCIATES, INC.
(212) 432-6530
(718) 852-4961
FAX: (718) 643-6486

Frances Zeman, ASA
Director

Website: www.appraisalresources.com
e-mail: franzasa@aol.com

"All Passes. Art alone/Enduring stays to us:
The Bust outlasts the throne/The Coin, Tiberius"



Libertas Americana Medal in Copper, 1781.
Conceived by Benjamin Franklin
Engraved by French medallist Augustin Dupre
Distributed to friendly European leaders and distinguished Americans

APPRAISAL AND ADVISORY SERVICES
Private and Museum Collections • Trusts & Estates
Retail Sales • Auctions Conducted
Showroom Open Daily • Catalogs Issued Monthly
Introductory Commissions Offered • References on Request

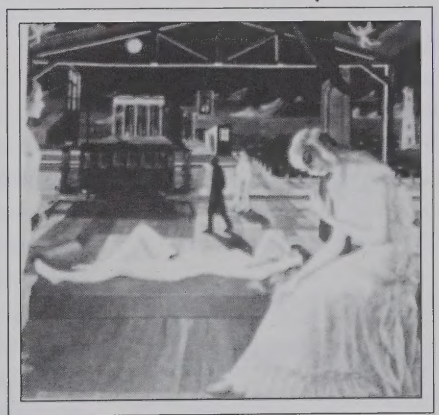
Stack's

Stack's is America's Oldest and Largest Rare Coin Company

AAA • NEAA • NAPA • ANA • PNG • IAPN

123 West 57th Street, NY, NY 10019 212-582-2580 Fax 212-582-1946 www.stacks.com info@ stacks.com

REWARD BY OWNER FOR INFORMATION LEADING TO RECOVERY *of*
"Le Rendez-vous d'Ephèse" by Paul Delvaux
Stolen: New York City, 1970's



Oil on canvas; 160 x 160 cm (64" x 64"). Signed lower right "P. DELVAUX 12–67"

CONTACT: Philip R. White
415 Madison Avenue, 7th floor • New York, NY 10017
Tel: (212) 751-8080 e-mail ppwnyc@aol.com

ALL INFORMATION WILL BE KEPT CONFIDENTIAL.

Recent UK Initiatives Against Illicit Trade in Antiquities Including Accession to the 1970 UNESCO Convention

DAVID GAIMSTER*

INTRODUCTION: THE SCALE OF THE PROBLEM

Britain has the second largest art market in the world, second only to the USA. In 1998, art market sales in the United Kingdom totalled just under £3,300 million. According to the House of Commons Select Committee report of July 2000 on *Cultural Property: Return and Illicit Trade*, the British art market accounts for 52 per cent of the total Western European art sales and is growing faster than the Western European market as a whole.[1] However, there is indisputable evidence that London is also a center of the stolen art market. Between 1999 and 2000 the London Metropolitan Police detained £22 million-worth of cultural goods and in 1999 Interpol's London bureau dealt with 132 new cases of stolen cultural items.[2] Although the licit trade in antiquities forms a relatively minor part of the international art market, with an estimated value of £58.7 million worldwide for Classical material (and £15 million in the UK),[3] archaeological artifacts are particularly and increasingly vulnerable to looting and illicit trafficking. Professor Lord Renfrew of Cambridge University was among those who gave evidence to the Select Committee that the London market was becoming heavily involved in the "process whereby looted antiquities without provenance entered the 'legitimate' market, thereby acquiring a deceptive appearance of legitimacy which made their onward sale acceptable."[4]

The most cogent evidence for the illicit trade in antiquities is provided by the evidence of the destruction of archaeological sites around the world in order to feed the demand for the antiquities market. Mercenary excavation poses a particular threat to the heritage because looting invariably destroys the positional context and social association of archaeological objects. Where sites are violated, objects of low commercial value may be damaged or discarded, collections or hoards dispersed beyond retrieval and the historical record obliterated irreparably.

Although there are many factors that can cause the destruction of sites worldwide, in particular development, destruction caused by the search for antiquities is of particular concern. Although the worst cases occur abroad, the UK is not immune from the problem. In England, Wales and Scotland it is lawful to search for antiquities with the permission of the landowner, except on scheduled ancient monuments, and metal detecting is a popular activity. However, there are a number of scheduled monuments and other sites, which are not protected by law, which are regularly attacked by treasure hunters—the so-called 'nighthawks'—who do not have the permission of the landowner. To quote three examples[5]: at Wanborough in Surrey a hoard of 9,000 silver Iron Age coins worth £2 million was looted by Treasure hunters in 1984-85 and subsequently seen in dealers' lists worldwide;

"The British art market depends for its continuing success on the standards and perceived integrity of its participants."

Roman bronze sculptures were stolen by Treasure hunters from Icklingham in Suffolk and subsequently purchased by a U.S. collector; and 500 prehistoric bronze artifacts were removed illegally from a site near Salisbury, Wiltshire, of which two-thirds were recovered subsequently by the British Museum and a third were dispersed on the international market (Fig. 1). There are other high-profile cases, such as Corbridge in Northumberland, where a log of illicit detecting maintained over a period of four and a half years between 1989 and 1994 recorded 24 separate incidents. On a single occasion, up to 55 holes were dug on the site.

The British art market depends for its continuing success on the standards and perceived integrity of its participants. Indeed, the auction houses and established dealers, which

*David Gaimster Ph.D, Secretary to the Illicit Trade Advisory Panel, Department for Culture, Media and Sport, Cultural Property Unit, London.

1 Culture, Media and Sport Select Committee Seventh Report on *Cultural Property: Return and Illicit Trade*, House of Commons, London (2000), para. 25.

2 Report of the Ministerial Advisory Panel on Illicit Trade, Department for Culture, Media and Sport, London, (December 3000), Annex A. See www.culture.gov.uk

3 As in note 2.

4 As note 1, para. 26.

5 As in note 2, p. 43.

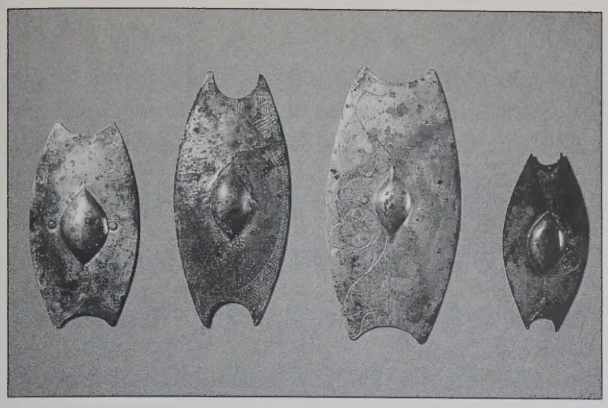


Figure 1. Decorated miniature bronze shields from the Salisbury Hoard found in the mid-1980s, the most remarkable hoard of prehistoric metalwork ever found in Britain. The hoard was sold to dealers and dispersed. Photo: British Museum, London.

stand at one end of that chain of respectability, have a strong business interest in the elimination of the illicit market. The British Antiquities Dealers Association maintain that their members have made considerable efforts in the last decade to distance themselves from such traffic. These include the adoption of a voluntary Code of Practice by which participants undertake "to the best of their ability, not to import, export or transfer the ownership" where they have "reasonable cause to believe" that "an imported object has been acquired in or exported from a country of export in violation of that country's laws" or that "an imported object was acquired dishonestly or illegally from an official excavation site or monument or originated from an illegal, clandestine or otherwise unofficial site."[6]

What remained in question for the Parliamentary Select Committee were not the concerns of the archaeological community about the scale of illicit trade in archaeological objects, nor the commitment of the British art market to avoid facilitating illicit trafficking, but the effectiveness of existing measures to combat the problem.

In response to calls from archaeologists and the legitimate art trade, the Department for Culture, Media and Sport (DCMS) established, in the Spring of 1999, an Illicit Trade Advisory Panel (ITAP) under Norman Palmer, Professor of Commercial Law at University College London (and Editor-in-Chief of the journal *Art, Antiquity and Law*), to advise the Government on, firstly, the extent of the illicit international trade in art and antiquities, and the extent to which the UK is involved in this; and, secondly, how most effectively the UK can play its part in preventing and prohibiting the illicit trade. The Panel's membership was drawn from the worlds of archaeology, museums and the art trade. Their Report was published in December 2000 and marks a very significant landmark in developing public policy in this area, not least because it represents, for the first time, a consensus between all those groups interested in the trade in cultural objects on practical measures to improve the current situation.[7] DCMS Ministers have broadly welcomed Professor Palmer's Report and officials in the Cultural Property Unit are now working with the Panel and colleagues in other Government departments to take forward its key recommendations.

UK ACCESSION TO THE 1970 UNESCO CONVENTION —JULY 2002

Accession to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property forms the first of the key recommendations of the Ministerial Advisory Panel. The UNESCO Convention enables countries who are parties to the Convention to claim back stolen antiquities which surface in the countries of fellow signatories. The Convention is not retroactive: it is applicable only to cultural objects stolen or illicitly exported from one state party to another state party after the date of entry into force of the Convention for both states concerned. The Panel advised against accession to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects on the basis that claims could be made for the return of stolen cultural property up to 50 years after the theft. Accession to UNIDROIT would have required primary legislation and so would have taken time, whereas acceptance of UNESCO could be enacted without delay.

On the question of defining cultural objects under UK acceptance, the Illicit Trade Advisory Panel recommended applying the European Union Directive, rather than the Convention, which operates between EU Member States that are parties to the Convention (European Community law would oblige us to do this in any event), thus avoiding duplication. Through the concept of designation and other filters the UNESCO Convention captures a more clearly defined range of objects than the UNIDROIT Convention and one which fits comfortably with existing UK classifica-

"Accession to the 1970 UNESCO Convention . . . forms the first of the key recommendations of the Ministerial Advisory Panel. . . . The panel advised against accession to the 1995 UNIDROIT Convention."

[6] As in note 1, para. 28.
[7] As in note 2.

tions. It makes no reference to limitation periods so that the normal British statutory periods can apply where appropriate. It provides that the removal of cultural objects from countries by forces of occupation shall be illicit. Its widespread adoption (93 countries to date, prior to the UK) enhances its value as a means of recovering objects unlawfully removed from the UK. Compliance is almost certainly less onerous than in the case of the UNIDROIT Convention. The UNESCO Convention allows contracting states a considerable degree of discretion as to implementation, thereby accommodating local conditions.

A number of requirements of the UNESCO Convention which had previously been identified by the UK Government as stumbling blocks to its accession no longer posed a problem. Article 5(b) requires each State Party to be responsible for "establishing and keeping up to date, on the basis of a national inventory of protected property, a list of public and private cultural property whose export would constitute an appreciable impoverishment of the natural cultural heritage." Here the UK's current export licensing system, with its list of categories of the type of objects that will qualify, satisfies this requirement. Australia and Canada, both of which have acceded to the UNESCO Convention, have broadly similar export control systems. Both countries have assumed that the categories adopted for that system constitute a national inventory for the purposes of the Convention and that interpretation has not been challenged by any other State.

Another issue which had previously stymied UK accession to the UNESCO Convention is the requirement in article 5(d) for state parties to undertake "the supervision of archaeological excavations, ensuring the preservation *in situ* of certain cultural property, and protecting certain areas reserved for future archaeological research." There is now general satisfaction that the previous interpretation of this provision, which was that all archaeological excavations needed to be licensed by the State, is incorrect and that current arrangements in the UK whereby (1) cultural property is preserved *in situ* through the system of monuments in guardianship, (2) scheduled archaeological monuments are protected by law, (3) there is the provision for supervision of archaeological excavations by local authority archaeological services under the framework of Planning Policy Guidance Note 16 in England and its counterparts for the other parts of the UK, combine to satisfy this requirement.

A third difficulty was the requirement under Article 5(e) that the State be obliged to establish "for the benefit of those concerned (curators, collectors, antique dealers, etc.) rules, in conformity with the ethical principles set forth in this Convention; and taking steps to ensure the observance of these rules." Again, there is general satisfaction that the UK already meets this requirement, since most of the relevant professional associations such as the International Council of Museums, the Museums Association, the Institute of Field Archaeologists, the UK Institute of Conservation and dealers' associations now have such codes.

Fourthly, the Convention introduces an obligation, under Article 10, on dealers to maintain registers of cultural property in their stock, "as appropriate for each country." Illicit Trade and Advisory Panel members were satisfied that the current requirements for dealers to register for Value Added Tax (VAT) and to keep records of their transactions met this obligation.

After extensive consultation, the UK Government agreed that it should accede to the convention with the following reservations:

(a) the UK interprets the term 'cultural property' as confined to those objects listed in the Annex to the European Union (EU) Regulation and Directive;[8]

(b) as between European Community (EC) member states, the UK shall apply the relevant EC legislation to the extent that legislation covers matters to which the Convention applies, and

(c) the UK interprets Article 7(b)(ii) to the effect that it may continue to apply its existing rules on limitation to claims made under this Article for the recovery and return of cultural objects.

The then Department for Culture, Media and Sport Minister, Alan Howarth, welcomed the ITAP December 2000 Report and announced on 13 March 2001 that the Government intended to accede to the UNESCO

"The signed Instrument of Acceptance was deposited with UNESCO in Paris on 31 July 2002."

Convention "once the normal Parliamentary and other formalities have been completed," on the basis that no fresh legislative commitment was required. Although accession was delayed while the legal requirements of the Convention were subjected to a detailed examination by legal advisers, Ministerial commitment to the measure was expressed repeatedly in policy statements.[9] There is now satisfaction that the existing measures within the UK meet

[8] As in note 2, Annex E.

"Professor Palmer, the Chairman of ITAP, successfully persuaded the members of the Panel representing the art and antiquities trade that accession to the Convention would not introduce onerous new burdens."

the requirements of the Convention. Following publication as a Command Paper in late April 2002, together with an Explanatory Memorandum, the Convention was laid before Parliament for 21 sitting days. The signed Instrument of Acceptance was deposited with UNESCO in Paris on 31 July 2002.

The archaeological community has long pressed the Government to accede to the UNESCO Convention, although members of the art market have in the past lobbied against it. Professor Palmer, the Chairman of ITAP, successfully persuaded the members of the Panel representing the art and antiquities trade that accession to the Convention would not introduce onerous new burdens. Following extensive consultation, the devolved administrations of Wales, Scotland and Northern Ireland also agreed that the UK should accept the Convention.

In joining the 93 other countries (including the United States) that are party to the UNESCO Convention, the UK Government sends out a powerful signal, both to those who do so much damage to the world's cultural heritage and to those in the international community, that the UK is serious about playing its full part in the international effort to stamp out the illicit trade in cultural objects.

CRIMINAL OFFENSE

The 1970 UNESCO Convention was signed by the UK Government on the basis that no fresh legislative commitment was required. However, the Illicit Trade Advisory Panel recommended in its Report of December 2000 the introduction of a new criminal offense of "dishonestly importing, dealing or being in possession of any cultural object, knowing or believing that the object was stolen, or illegally excavated, or removed from any monument or wreck contrary to local law" as essential underpinning of UK responsibilities and obligations under the Convention. The measure is supported both by the archaeological community and the art and antiquities trade, in view of the perceived inadequacy of the Convention to safeguard archaeological sites against illicit excavation or removal. Action on this matter is felt to be too important to be left to the vagaries of private law or to the restitution process. The Panel agreed that a pre-emptive measure, such as the creation of a new criminal offense to counter the illicit trade in unlawfully removed cultural objects, was the best solution. There is no doubt that the passing of a new criminal offense—with a proposed maximum penalty of 7 years' imprisonment—would show that the UK Government means business about tackling the illicit trade.

The offense would apply only to objects stolen, excavated or removed after the date on which the statutory provision creating the offense came into force. The offense would apply irrespective of the country in which the theft, excavation or removal occurred, including the UK. The offense would be one of guilty intent (*mens rea*).[10] It would be for the prosecution to persuade a jury that the defendant knew that an object had been stolen, unlawfully excavated or unlawfully removed.

" . . .[the Panel] decided to omit illegally exported objects from the scope of the offense because it was concerned about the export laws of certain countries which restrain individuals from exporting their own possessions . . ."

A recent case has suggested that the powers of H M Customs and Excise to seize or detain objects which they suspect may have been stolen or illegally excavated may need to be strengthened. The Panel has proposed that the offense, while not necessitating the introduction of any new system for the general inspection of imported goods, be fortified by appropriate powers of search, detention and seizure on the part of the enforcement authorities. In addition, the Panel has recorded its scepticism about the use of due diligence as a standard for criminal liability and believe that a *mens rea* defense is preferable. Secondly, it believes that it would be excessively bureaucratic to apply the offense on a bilateral basis only to objects emanating from certain countries and that such an approach would also be confusing to dealers, collectors and museums. Lastly, it decided to omit illegally exported objects from the scope of the offense because it was concerned about the export laws of certain countries

[9] *The Historic Environment: A Force for Our Future, Department for Culture, Media and Sport,* London (December 2001), para. 4.43. See www.culture.gov.uk

[10] As in note 2, paras. 68-69.

which restrain individuals from exporting their own possessions, particularly in the light of possible contraventions of the European Convention on Human Rights on grounds of uncertainty or disproportionality under the terms of article 1 of the first protocol to the ECHR.

A criminal provision of the nature proposed may have beneficial effects in civil law. The taint of criminal association may make insurance cover harder to obtain or enforce for objects of doubtful provenance, and impede their movement across national borders. It may also increase the risk of liability under the title and associated guarantees contained in section 12 of the Sale of Goods Act 1979.[11]

Draft instructions for the criminal offense were cleared by all the relevant UK Government Departments over the course of 2001-02. The Government has also recently expressed its commitment to introducing this offense as soon as possible and is now awaiting the earliest suitable legislative opportunity for its enactment.[12]

INFORMATION MANAGEMENT

A recurrent theme throughout the lifespan of the Illicit Trade Panel has been the need for intelligence. No party transacting within the market can do so confidently without reliable and efficiently retrievable information. The difficulty of gaining such intelligence is most keenly felt within two categories: information about the laws of other countries and information about the provenance and legal status of individual objects.

The Panel recommended the institution of a comprehensive and universally accessible database of international legislative information.[13] The database should be run as a service available to all who transact in cultural objects. It should seek to record information about past as well as present laws and about judicial decisions construing those laws. It should, like other modern law databases, be constantly updated. Proof of reference to the database will be relevant to a possessor's legal position in numerous respects: it will help to show good faith for the purpose of triggering the limitation period and it will be a strong disincentive to prosecution for the proposed new criminal offense. It should assist particularly in regard to excavated objects which, being unrecorded, will not be identifiable by consulting any database of objects. It is felt that UNESCO is the best organization to take the lead on this initiative, and the Department for Culture, Media and Sport is currently in discussion with UNESCO on the launch of the first phase of a database.

[11] As in note 2, paras. 106-10.
[12] As in note 9, para. 4.44.
[13] As in note 2, para. 89.

The Illicit Trade Panel's December 2000 Report also recognized the need for improved intelligence as a key to effective enforcement. It included, among its key recommendations, the establishment of a specialist national database of unlawfully removed cultural objects. The database would be intended to cover cultural objects unlawfully removed from any place in the world, whether in the UK or overseas. Its primary purpose would be to record those objects which have been (a) stolen, or (b) illegally excavated, or (c) illegally removed from monuments or wrecks on the basis that the theft of such objects within the UK should be a reportable offense. Access to the proposed database should be prescribed with carefully regulated and restricted levels of access by means of a system of security codes. Differential levels of access could, for example, be extended to police forces, public authorities, commercial entities and to private individuals.[14]

The development of a widely accessible database of stolen cultural objects remains very integral to fulfilling the UK's obligations under the UNESCO Convention, in particular those covering inventories and publicity regarding the disappearance of stolen items, and is important for the prosecution of the proposed criminal offense of possession and dealing in illegally removed cultural property. It is also regarded as a key part of the package by the art trade.

The illicit trade in cultural objects is, by its nature, international and the Report from the Culture Select Committee rightly stressed that such a database, in order to be effective, must be compatible with other international initiatives to develop such a resource.[15] Previous attempts to collaborate with other countries in developing such a database have all too often foundered on the difficulty of reconciling different national systems. UNESCO places considerable stress on computerized databases and lists a number of international services (INTERPOL, ICOM, IFAR) while stressing the value of complementary national inventories of stolen cultural property.[16] It concludes that 'there is a definite need for more cooperation and networking between databases'.[17]

A series of consultations involving the Department for Culture, Media and Sport, the Home Office, Customs and Excise, the National Criminal Investigation Service, the Police Information Technology Organization and the Metropolitan Police and the two largest private database

[14] As in note 2, para. 90.
[15] As in note 1, para. 53.
[16] Askerud, P. & Clément, E., *Preventing the Illicit Traffic in Cultural Property: a resource handbook for the implementation of the 1970 UNESCO Convention*, UNESCO, Paris (1997), pp. 44-45.
[17] As in note 16, p. 45.

"Members of the Illicit Trade Advisory Panel are united in their opinion that the export licensing system offers a workable and currently under-used means of imposing constraints on the movement of those cultural objects which have recently entered the UK after their illegal exportation from an overseas country."

operators in this field, Invaluable Group and the Art Loss Register, took place during 2000-01 to examine the best way forward. Before the database proposal can be realized, there remain a number of issues which need to be fully considered including technical feasibility, levels and degrees of accessibility, data protection and cost.

EXPORT CONTROL

Members of the Illicit Trade Advisory Panel are united in their opinion that the export licensing system offers a workable and currently under-used means of imposing constraints on the movement of those cultural objects which have recently entered the UK after their illegal exportation from an overseas country. Aside from the two databases discussed above, the Panel's proposals on export controls form the principal immediate and non-statutory means by which the UK can demonstrate its commitment to the suppression of the illicit trade. In its Progress Report for 2001, it invited the Government to accept the following position: that on accession to the UNESCO Convention, it is the policy of the Government, in considering any application for an export license, that the Export Licensing Unit shall seek to identify and take account of any unlawful removal (including illicit excavation) of the object from the UK or, where different, from the country in which it was located immediately before it was in the UK; and that the Export Licensing Unit shall take account of any evidence of unlawful removal (including illicit excavation) from a third country in which the object was located before the country of its last location.[18]

In addressing this question, the Panel stated that it is mindful of (a) the central role which any revised system of export supervision will play in the UK's implementation of the UNESCO Convention; and (b) the necessity to maintain proper conditions for the licit UK trade in cultural objects and to avoid initiatives which unacceptably impede the legitimate market or other beneficial forms of cultural exchange.[19]

In the light of the UK Government's recent accession to the UNESCO Convention, the Panel is currently concentrating on recommendations for the most effective means of:

> (a) advising on types of cultural property currently subject to looting and therefore needing extra checks on provenance before export licenses are granted;
> (b) monitoring the illegal unlicensed outflow of archaeological material from the UK, including material offered for sale on the Internet;
> (c) reviewing the system of, and instructions given to, expert advisers; the provenance requirements of Open Individual Export Licenses in cases of permanent export; the guidance to exporters, and consideration of the criteria which could be directed towards the constraint of the export of illicitly removed cultural objects and any consequent implications for individual export licenses; the advice on what action should be taken if the staff of the Export Licensing Unit or expert advisers have any suspicions about the provenance of an object;
> (d) advising on declarations about provenance and due diligence that should be made by applicants.[20]

"Ninety percent of Treasure finds are found by metal detector users, of whom there are an estimated 10,000-15,000 in the UK."

PROTECTING PORTABLE ANTIQUITIES IN THE UK

The Treasure Act of 1996 came into force on 24 September 1997 and has effect in England, Wales and Northern Ireland.[21] The purpose of the 1996 Act is to ensure that the most important discoveries of Treasure are preserved for the nation by being offered to museums. Finders and landowners are rewarded. A Code of Practice, which was approved by Parliament, sets out the procedures. Ninety percent of

[18] Illicit Trade Advisory Panel Progress Report (2001), Department for Culture, Media and Sport, London (2002), Appendix II. See www.culture.gov.uk

[19] As in note 18.

[20] As in note 18. See Appendix II for full list of issues.

[21] The Act does not apply to Scotland where all ownerless objects belong to the Crown under the legal principle of *bona vacantia*, and separate arrangements also apply in Northern Ireland where under the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 all archaeological objects found in the Province must be reported and a license must be obtained by anyone intending to search for archaeological objects.

Treasure finds are found by metal detector users, of whom there are an estimated 10,000-15,000 in the UK (Fig. 2). Provided metal detector users have the permission of the landowner, there are no legal restrictions on their use, except on some 17,000 scheduled ancient monuments where metal detecting is illegal without permission. A 1995 survey estimated that detector users were finding perhaps 400,000 archaeological objects a year, only a small proportion of which were recorded by archaeologists or museums.[22]

Figure 2. Metal detectorists working on a Roman small town site in Ashford, Kent. Increasing cooperation between metal detector users and archaeological groups is a key objective of the Portable Antiquities Scheme. Photo: Portable Antiquities Scheme

The Act replaced the medieval common law of Treasure Trove. Under the old law objects had to pass three tests before they could be Treasure Trove: (a) they had to contain a substantial proportion of gold or silver in their composition; (b) they had to have been deposited by their original owners with the intention of recovery; and (c) their original owner or his heirs must be unknown. In practice it was often difficult to determine whether finds passed the first two tests. The Treasure Act replaced these subjective tests with a new objective test of Treasure. It had for many years been accepted that the old common law of Treasure Trove was badly in need of reform since it was riddled with anomalies and completely unsuited to present-day conditions. The Treasure Act is a modest reform and represents a pragmatic approach to the problem.

Under the Treasure Act the following finds are designated Treasure (provided they were found after 24 September 1997):

(a) objects other than coins at least 300 years old with a minimum precious metal content of 10%;
(b) all groups of coins from the same find at least 300 years old (if the coins have a precious metal content of less than 10% then the hoard must consist of at least 10 coins); and
(c) objects found in association with Treasure.

The Treasure Act requires finders to report potential Treasure to the coroner either within 14 days after the day on which they made the find or within 14 days after the day on which they realized that it might be Treasure. There is a maximum penalty of 3 months' imprisonment or a fine of £5,000 for failing to report Treasure without a reasonable excuse.

If the local Treasure adviser believes that the find may be Treasure they inform the national museum (British Museum, National Museums & Galleries of Wales or Northern Ireland Heritage and Environment Service) and they will then decide whether they or any other museum may wish to acquire it. If no museum wishes to acquire the find, the Secretary of State will normally disclaim it so that it can be returned without the need to hold an inquest. If a museum does wish to acquire part or all of the find, then the coroner will hold an inquest to decide whether the find is Treasure.

Any find of Treasure that a museum wishes to acquire must be valued by the Treasure Valuation Committee which consists of independent experts appointed by the Secretary of State. The Committee commissions a valuation from one or more experts drawn from the trade. All interested parties have an opportunity to comment on the valuation and may submit their own valuations before the Committee makes its recommendation. An appeal may be made to the Secretary of State. The main change from the previous Treasure Trove regime is that landowners, as well as finders, are now eligible for rewards and in practice most rewards are divided equally between the two, where the finder has permission to be on the land.

The 1996 Act has led to a ninefold increase in cases of reported Treasure. Under the old Treasure Trove system an average 24.5 cases a year were declared Treasure Trove; under the Act, 191 cases were reported in 1998, 223 in 1999 and 265 in 2000. One of the other most significant benefits of the Act in producing new archaeological insights is the requirement that objects found in association with Treasure should also be reported. In addition, the Act is beginning to reveal categories of find that have been little studied hitherto: for example, the third *Annual Treasure Report for 2000* contains details of 20 silver-gilt dress-fittings of the sixteenth century, a class of Renaissance costume accessories which was little known before the introduction of the Act and which have now transformed our knowledge of élite fashion in the Tudor period.[23]

[22] Dobinson, C. & Denison, S. *Metal Detecting and Archaeology in England*, English Heritage and the Council for British Archaeology, York (1995).

When published in 1997, the Treasure Code of Practice stated that a review would be carried out after the Act had been in operation for three years. The review would consider whether adjustments needed to be made to the definition of Treasure and whether any revisions should be made to the Code. A consultation exercise was undertaken by the Department for Culture, Media and Sport between December 2000 and March 2001 on which the subsequent Review was based.[24] The Review's focus was twofold: (a) to see whether the definition of Treasure should be altered and (b) to look at the administration of Treasure. The Government welcomed the Report and committed itself to implementing its two most important recommendations: to extend the definition of Treasure to include deposits of prehistoric base-metal objects, and to revise the Code of Practice on the Act.

The draft Order, now before Parliament, will bring within the definition of Treasure deposits of prehistoric base-metal objects, which are relatively common finds (there are perhaps about 50 such cases a year), and which are archaeologically of considerable interest. At present when such finds are made, finders have no obligation to report them and museums no right to acquire them. The most famous case from recent years was the unique hoard of over 600 prehistoric bronze artifacts (axes, miniature shields etc.) looted by two metal detector users from a site near Salisbury in Wiltshire. The objects appeared on the market, and the find was only tracked down through the detective work of the curator at the British Museum. Under the terms of this Order, such a find would be Treasure and thus Crown property, and its legal status would be clear. The Code of Practice has been revised to take account of the Order and a number of other changes have been made to it in the light of experience of four years' operation of the Act.

"The main change from the previous Treasure Trove regime is that landowners, as well as finders, are now eligible for rewards . . ."

However, only about one percent of the finds made by metal detector users is Treasure. There is no legal requirement for finders to report the other 99 percent of their finds. For this reason in 1997 the Government established the voluntary Portable Antiquities Scheme to encourage members of the public to report all finds of archaeological objects. This complements the Treasure Act by encouraging finders to report all their archaeological finds. The Government and the Heritage Lottery Fund (HLF) have been funding 12 pilot schemes covering in England and Wales (the Scheme is not required in Scotland or Northern Ireland where there is a legal obligation for all objects to be reported). The success of the pilot schemes can be judged by the 100,000+ objects which have been recorded to date, of which 45,000 are now on the Portable Antiquities Website.[25] Many new archaeological sites have also come to light as a result. The Finds liaison officers have played a major role, both in ensuring the smooth running of the Treasure reporting process and in encouraging cooperation between metal detector users and archaeologists, two groups previously at loggerheads.

A lottery to the HLF bid for three-year funding for a national network of 41 posts at a cost of £1.5 million a year from April 2003 was approved in May 2002. This bid has 63 national and local partners each of whom is contributing 10 percent towards the cost. This means that there will be a national network of Finds liaison officers from next year, which will also result in a much enhanced service for dealing with Treasure cases.

CONCLUSION

In conclusion, it is worth remembering that until recently the UK was branded as "an internationally renowned center of illicit trade in antiquities".[26] It is true that for the previous thirty years or so the UK stood on the sidelines of the only genuinely international action against the illicit trade in art and antiquities. Today the British art and antiquities market is operating in a very different climate. Since publication of the recommendations of the Culture Select Committee in July 2000 and the Ministerial Advisory Panel on Illicit Trade in December 2000 there has been dramatic progress on measures to combat the looting of archaeological sites and the unlawful trafficking in cultural property. The UK Government has recently become party to the 1970 UNESCO Convention and is now working to introduce measures to strengthen its treaty obligations, including the extension of national criminal law where necessary, an increase of power for enforcement authorities, the establishment of specialist databases, a campaign for increasing of public awareness, and the use of the export licensing regime to retard cultural objects, which were unlawfully removed from countries of location, from leaving the UK. Meanwhile,

---

[23] *Annual Treasure Report 2000*, Department for Culture, Media and Sport, London (2002), cat.175-194. See www.culture.gov.uk

[24] *Report on the Operation of the Treasure Act: Review and Recommendations*, Department for Culture, Media and Sport, London (October 2001). See www.culture.gov.uk

[25] www.finds.org.uk

[26] *International Trade Today* (October 2001), 26-27.

"...until recently the UK was branded as 'an internationally renowned center of illicit trade in antiquities'.... [T]here has been dramatic progress on measures to combat the looting of archaeological sites and the unlawful trafficking in cultural property."

at home, the Department for Culture, Media and Sport is currently sponsoring legislation for an extension to the protection of important gold and silver artifacts being found by metal detectorists and an expansion of a voluntary scheme to encourage the reporting of all portable archaeological finds. Together, the improved Treasure regime and the Portable Antiquities Scheme represent the largest single heritage protection program ever mounted in the British Isles.

. . .

ADVERTISEMENT

O'TOOLE-EWALD ART ASSOCIATES, INC.

Appraisers Since 1932

FINE ART • PERSONAL PROPERTY • ANTIQUES

SPECIALISTS IN
Damage/Fraud/Loss Reports
Analytical Valuations

APPRAISALS
Insurance, Artists' Estates
Equitable Distribution

Elin Lake Ewald, Ph.D., ASA, CEO
Tel. (212) 989-5151 Fax (212) 242-1629
www.otoole-ewald.com • ele@otoole-ewald.com

Thank you

One of IFAR's most loyal supporters was inadvertently omitted from the donor salute in the last issue of the Journal. Below is the correct list of IFAR's contributors of $250 and above who supported our activities in 2001. IFAR gratefully acknowledges their generosity.

$25,000 and above
David L. Klein Jr. Foundation

$15,000 and above
The Samuel H. Kress Foundation
The Liman Foundation

$10,000 and above
The Ahmanson Foundation
International Music and Art Foundation
Leon Levy and Shelby White
Roy Lichtenstein Foundation

$7,500 and above
Mr. & Mrs. Walter C. Klein

$5,000 and above
Billy Rose Foundation, Inc.
David M. Campbell
Christie's
James Deering Danielson Foundation
Lee MacCormick Edwards
Mr. & Mrs. Jack A. Josephson
The Overbrook Foundation
Mr. & Mrs. Leon B. Polsky
Eugene V. and Clare E. Thaw Charitable Trust

$2,500 and above
Bunge Corporation
Gily AG
Ronald S. Lauder
Mitchell-Innes & Nash
Sotheby's

$1,000 and above
Anonymous Donors
AIG Private Client Group
Alsdorf Foundation
Milton & Sally Avery Arts Foundation, Inc.
AXA Art Insurance Corporation
J. N. Bartfield Art Galleries
Harlan J. Berk
Charina Foundation, Inc.
The Chubb Corporation
David Leon Dalva II
Michael E. Fischman and Jeffrey A. Haber
Mr. & Mrs. Christopher Forbes
JoAnn and Julian Ganz, Jr.
Richard Gray Gallery
Nicholas H. J. Hall, Hall & Knight (USA) Ltd.
Raymond J. Horowitz
Irell & Manella LLP
Theodore N. Kaplan
The Walter C. Klein Foundation
Knoedler & Company, Inc.
H. Christopher Luce
John Whitney Payson
Jeannette and Jonathan Rosen
Rosenthal & Rosenthal, Inc.
Santa Fe Art Foundation
Melvin R. Seiden
Solow Art & Architecture Foundation
The Stebbins Fund
Wildenstein & Company, Inc.

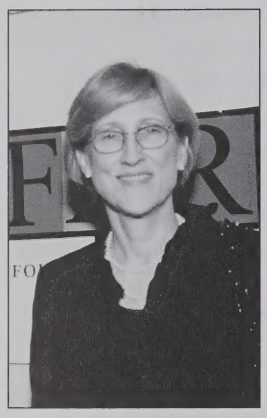
$500 and above
Personal Property Committee of the American Society of Appraisers
Atlantic Mutual Insurance Company
Alfred Bader
Conner · Rosenkranz
Mrs. Henry C. Frick II
Lawrence M. Kaye, esq., Herrick, Feinstein LLP
Kennedy Galleries Inc.
Kraushaar Galleries
Ralph Lerner and Judith Bresler
Maine Antique Digest
Galerie Daniel Malingue
Aaron M. Milrad
Roy R. Neuberger
Vose Galleries of Boston
Frances Zeman

$250 and above
Gloria M. Abrams
Mr. & Mrs. Paul Asnes
Brenda P. Ballin
Ruth Bowman
Howard Bronson and Clara Graziani Bronson
Jim & Susan Bruning
Mrs. James E. Burke
David G. Carter
Catherine G. Curran
Iain Fairley
Richard L. Feigen & Co.
Flather & Perkins
Elizabeth E. Fontaine
Helen Geraghty
Deborah Gershon
J. Paul Getty Trust
Gulf States Paper Corp.
Brian Hannon
Roy S. Kaufman
George G. King
Kodner Gallery
Lisa M. Koenigsberg
Theodore J. Kozloff
Yuriko Kuchiki
Edwin F. Lambert, Jr.
Mary Mackey
Sherry Mallin
Hanno D. Mott
O'Hara Gallery
Cormac O'Malley
O'Toole-Ewald Art Associates, Inc.
Nathaniel O. Owings, Owings-Dewey Fine Art
Bernard and Louise Palitz
Virginia Parkhouse
Ro Gallery Image Makers, Inc.
Linda Safran
Nancy Schwartz
Ira Spanierman, Spanierman Gallery
Peter R. Stern
Ronald S. Tauber
Spencer S. Throckmorton III
Mr. & Mrs. Milton H. Ward
Miriam R. Ward
Joan T. Washburn Gallery
Isabel Wilcox

In-kind and other
ART & AUCTION
Herbert Hirsch

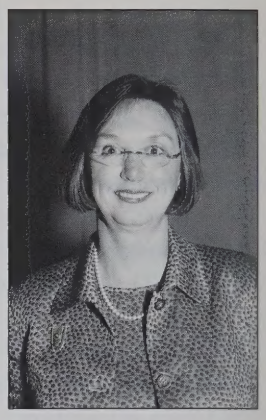
SOLVING PUZZLES, DISCOVERING O'KEEFFE:
THE GEORGIA O'KEEFFE CATALOGUE RAISONNÉ

IFAR Evening, April 24, 2002



Barbara Buhler Lynes
IFAR Evening, April 24, 2002.

EDITOR'S NOTE: *The following articles, by Barbara Buhler Lynes and Judith Walsh, are edited transcriptions of their* IFAR Evening *talks on Georgia O'Keeffe in April 2002. A standing-room-only audience at the Institute of Fine Arts in New York was treated to a discussion of the rigorous methodology behind the award-winning Georgia O'Keeffe catalogue raisonné, and the wealth of information it yielded. A reception followed in the Institute's lovely Loeb Reception Room.*



Judith Walsh
IFAR Evening, April 24, 2002.

PART I

BARBARA BUHLER LYNES*

Georgia O'Keeffe died in 1986 at the age of 98, and six years later, the National Gallery of Art and The Georgia O'Keeffe Foundation announced their joint sponsorship of the research and publication of an O'Keeffe catalogue raisonné. In June of 1992, I was asked to be the author, and for the next six and one-half years, I conducted research as an independent contractor for both institutions. During this period, The Burnett Foundation and the Henry Luce Foundation provided additional support for the project, which was completed in December 1998. The catalogue was published in November 1999 by Yale University Press and authenticates 2,029 O'Keeffes (Fig. 1).

Figure 1. The Georgia O'Keeffe Catalogue Raisonné.

While each catalogue raisonné has its own peculiarities, all serve the same purpose: to find and document every work purported to be by the artist; to establish the authenticity of works by assessing them in terms of connoisseurship, provenance, and technical information; and to bring to light as much information about these works as is humanly possible. Every catalogue is structured a bit differently, but in the O'Keeffe catalogue, works are arranged chronologically, regardless of medium. And for each work included there is a color reproduction and the following information: first and alternate titles, date, medium, dimensions, current location as of the time the book went to press, provenance, inscriptions, remarks, information on conservation (when available), and exhibition history (Fig. 2).

Volume one presents works dating from 1901 through 1938, while volume two presents those dating from 1939 to 1984. Volume two also includes reproductions of each page of

* Barbara Buhler Lynes is Curator and Director of Exhibitions, the Georgia O'Keeffe Museum, and the Emily Fisher Landau Director of the Georgia O'Keeffe Museum Research Center. She is also the author of the Georgia O'Keeffe catalogue raisonné, as well as many publications on O'Keeffe and American modernism.

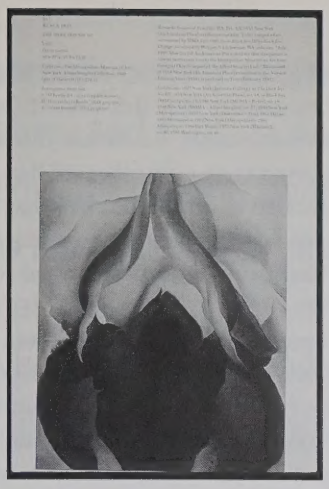


Figure 2. Page from catalogue raisonné, *Black Iris*, CR, 557.

O'Keeffe's extant sketch books and four appendices that include: (1) published statements by O'Keeffe; (2) black and white reproductions of 135 works, documented either in records of O'Keeffe's work or in photographs Alfred Stieglitz made of her work, that could not be examined first-hand—either because they had been destroyed or could not be found or, if found, because I was denied access to them by their owners; (3) installation photographs and checklists of O'Keeffe exhibitions, most of which were generated by Stieglitz; and (4) frequently found inscriptions on O'Keeffe's works. The appendices are followed by a chronology of O'Keeffe's life, a list of works in public collections, a list of selected exhibitions, and a selected bibliography.

Given the tedious nature of compiling information of this sort and the fact there is so much disagreement in the art community about who should do catalogue projects as well as about how they should be done, one wonders why anyone would subject oneself to the tedium—and politics—of doing one. In what follows, I will talk briefly about why I agreed to do the O'Keeffe catalogue and several of the many policies established by the project sponsors to which members of the art community voiced considerable objection. These include: that I examine each work first-hand and that the published catalogue itself would be the authenticating tool—that no one associated with the catalogue project would offer opinions about authenticity before publication. In so doing, I will demonstrate that the process of examining works first-hand was crucial to the success of the project, for it made it possible, among other things, to provide for the first time accurate titles and alternate titles, mediums, and dimensions for O'Keeffe's work and dispel specific myths about it, namely, that O'Keeffe never titled, dated or signed her work, and that an "OK in a star" inscribed on a work (Fig. 3) supposedly identified it as being among O'Keeffe's finest achievements.

By the time I began work on the catalogue, I had written about art and taught art history at the college level for

"... the process of examining works first-hand was crucial to the success of the project ..."

fourteen years. My doctoral dissertation in art history had been on the fresco paintings of a Florentine Renaissance artist, and although I had written several articles on this subject, by the mid-1980s I had become increasingly drawn to what previously had been a secondary field of interest—American modern art—and in particular, the art of Georgia O'Keeffe. By 1992 I had authored several published articles and books on various aspects of O'Keeffe, and in the process of working on them, I had become keenly interested in learning as much as possible about O'Keeffe's art and, especially, in seeing everything she produced.[1] Yet, I knew that this was effectively impossible, because I could not get access to the body of work O'Keeffe produced in all phases of her career that she had kept out of the public eye, never allowing its exhibition or reproduction.

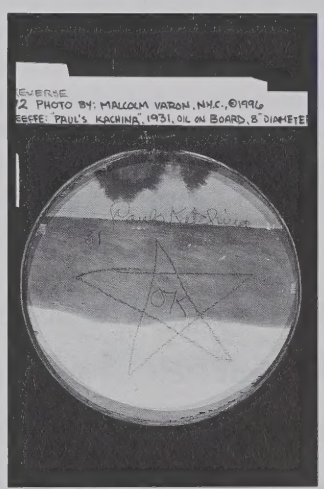


Figure 3. Backing of *Paul's Kachina* (1931, The Georgia O'Keeffe Foundation, CR 782) showing inscription "OK" in a star. Copyright 1989 The Georgia O'Keeffe Foundation.

[1] Barbara Buhler Lynes, *O'Keeffe, Stieglitz and the Critics, 1916-1929*, Ann Arbor: UMI Research Press, 1989; Reprint, Chicago: University of Chicago Press, 1991; *Georgia O'Keeffe*, New York: Rizzoli International Publications, Ind., 1993, "O'Keeffe and Feminism, A Problem of Position," in *The Expanding Discourse: Feminism and Art History*, edited by Norma Broude and Mary D. Garrard, New York: HarperCollins, 1992, 436-49.

O'Keeffe owned this work when she died, and by the time the catalogue project was announced in 1992, her estate had come under the aegis of The Georgia O'Keeffe Foundation.[2] Were I to become author of the catalogue, I reasoned, the work that O'Keeffe had held in reserve would become available to me, along with the documentary materials that pertained to it. Among other things, I knew that O'Keeffe had maintained elaborate records of her work and that they were in her Abiquiu studio. And, although I suspected that a large number of O'Keeffes were in her possession when she died, I was astonished to discover that she owned about half of what she had produced over the years, as well as an archive containing approximately 30 linear feet of previously unknown correspondence and other documents. And of course, all of these materials proved invaluable to my research for the catalogue, and at the same time expanded my personal understanding of the artist and her career.

All catalogue projects confront two problems: funding and the cooperation of the principals involved—the artist or the artist's estate, dealers, auction houses, and owners, both institutional and private. The sponsors of the O'Keeffe project had conceptualized its funding in a very appealing way. Its author was to be salaried full-time and reimbursed for all out-of-pocket expenses associated with the project, such as telephone, postage, supplies, and travel. This degree of financial backing for a catalogue project is rare. Most such projects are undertaken by scholars who teach full-time, who are willing to fund them themselves, and who carry out research only during sabbaticals and vacations. This explains, in part, why many are never completed.

"... I was astonished to discover that [O'Keeffe] owned about half of what she had produced over the years, as well as an archive containing approximately 30 linear feet of previously unknown correspondence and other documents."

Regarding cooperation: my earlier work on O'Keeffe had made me poignantly aware of the amazingly complex and Byzantine politics of O'Keeffe's world at large, and I had good reason to suspect that this project, because of its comprehensiveness, would be thrust directly into that political arena. And there were other red flags; but, in spite of all this, I decided to accept the challenge, preferring to do the catalogue myself, rather than waiting to pursue my interest in O'Keeffe until someone else had completed it.

And indeed, I must say that I was not proven wrong about the politics of the project. They were horrific. But politics aside, with few exceptions, the art community lent its full support and cooperation to this project, and hundreds of people went out of their way to help me locate works and obtain information about them. Two individuals were especially important to its success: Judy Walsh, Senior Paper Conservator, National Gallery of Art, with whom I worked closely on various aspects of the project, and especially, the Georgia O'Keeffe Paper Survey, which documents the characteristics of more than 1,000 O'Keeffe works on paper—a project we conceived and constructed together and about which Ms. Walsh wrote an essay that was published in the catalogue.

The second is Lamar Lynes, artist, writer, editor, computer whiz, my husband, and certainly the unsung hero of the project. Because I begged him, he took time way from his own commitments to create its numerous databases, construct many of its provenance records, and its bibliography. He had edited my earlier publications on O'Keeffe and was keenly aware of, skilled at dealing with, and unintimidated by the O'Keeffe politics. Moreover, I knew I could trust him, that he would not walk off the job or abscond with or provide others with confidential documents, and in matters of politics, would always be on my side.

A prospectus was circulated early on to those contacted about the project to acquaint them with its policies, and although these policies made great sense to me, certain people in the art community took issue with two of them. First, there were those who did not approve of my not offering opinions regarding authenticity before publication, because they felt that owners should be told whether or not their work would be included at the time it was considered. Yet research on any project is cumulative, and thus, in my mind, the time for making definitive decisions about inclusion and exclusion is at the end of the research phase when decisions can be based on all accumulated facts.

Some owners were also unhappy about this policy, but I knew their frustrations would be short-lived because the sponsors of the project were as committed as I was to its completion. Moreover, the policy was applied uniformly to works I was fairly certain would be included, to works I was fairly certain would not be, and to those in between; and

[2] The Georgia O'Keeffe Foundation was established in 1989, three years after O'Keeffe's death. Its purpose is to perpetuate the artistic legacy of Georgia O'Keeffe

"Research on any project is cumulative, and thus, in my mind, the time for making definitive decisions about inclusion and exclusion is at the end of the research phase when decisions can be based on all accumulated facts."

thus, being consistently close-mouthed about issues of inclusion would more than likely forestall possible litigation before publication, which was also the opinion of the legal team associated with the project. Of course, my being involved in litigation while conducting research for the catalogue would have severely compromised its completion.

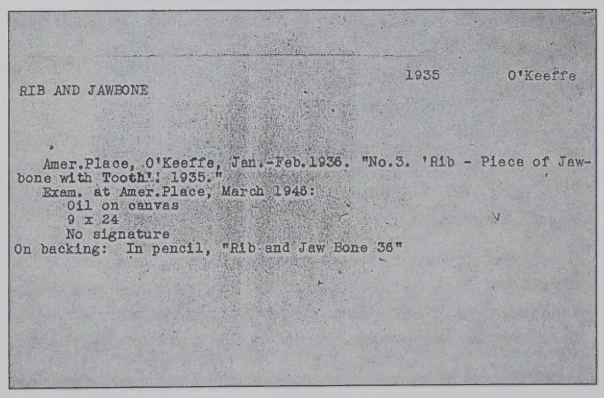
But second, what seemed an even greater frustration to some members of the art community was the project's policy of requiring that I examine works first-hand. One dealer objected so strongly that she sent a letter to the sponsors of the project stating that the process would not only violate the privacy of individual collectors, but that it was also unnecessary for numerous O'Keeffes, namely those that had been included in exhibitions and illustrated in various publications. Her position suggested that the authenticity of such works was a matter of record and could be verified through reproductions. But as we all know, reproductions are deceiving. Early on in the project, I received a transparency of what appeared to be a well-documented O'Keeffe oil from its owner. I set up an appointment to examine the painting, and when I saw it, I knew at once that it was not an O'Keeffe, but a very good copy. Later, when I examined the original in another private collection, I discovered, among other things, appropriate backing inscriptions that validated the work as an O'Keeffe and could not have been verified unless seen first-hand.

In addition, the process of personally examining works was fundamental to the task of establishing accurate first and alternate titles. In order to demonstrate this, I want to review briefly what was known prior to the publication of the catalogue about the titles of O'Keeffe's works. Long before I began work on the project, three records of O'Keeffe's output had been constructed. In 1944, as part of a project undertaken by the American Art Research Council, then housed at the Whitney Museum of American Art, Rosalind Irvine, Secretary of the Council, proposed making a catalogue of O'Keeffe's work as one of a series to be sponsored by the Council. As Irvine pointed out in her introduction to the compilation that she and O'Keeffe completed over the next several years: "[O'Keeffe] took a great interest in the record and helped me in every possible way."

Between 1944 and 1946, O'Keeffe and Irvine catalogued more than 600 works—about 30 percent of what would be O'Keeffe's total *oeuvre.* For each work, Irvine prepared a fact sheet that included information relating to title, date, medium, dimensions, provenance, and exhibition history, and these fact sheets have long been public, available either at the Whitney Museum of American Art or on microfilm at the Archives of American Art (Fig. 4). Although these records often also note inscriptions on backings of works and frequently described their medium—pencil, pen, crayon, etc.—they do not identify who wrote the inscriptions.

The second record was begun in the early 1950s when Doris Bry, who began working for O'Keeffe in 1947, used the catalogue O'Keeffe and Irvine had made as a point of departure to construct a more comprehensive record of O'Keeffe's work (Fig. 5). This private record is referred to as the Abiquiu Notebooks. Its fact sheets repeat most of the information listed in those from the Whitney record (there are lapses, such as the medium of the inscription noted in the Whitney record not being recorded on the Abiquiu notebooks fact sheet), and the Abiquiu notebooks sometimes include references to a few additional exhibi-

"The policy was applied uniformly to works I was fairly certain would be included, to works I was fairly certain would not be, and to those in between. . ."



1935 O'Keeffe
RIB AND JAWBONE

Amer.Place, O'Keeffe, Jan.-Feb.1936. "No.3. 'Rib - Piece of Jawbone with Tooth'. 1935."
Exam. at Amer.Place, March 1946:
Oil on canvas
9 x 24
No signature
On backing: In pencil, "Rib and Jaw Bone 36"

Figure 4. Page on *Rib and Jawbone* (1935, Brooklyn Museum of Art) from O'Keeffe's and Rosalind Irvine's record of O'Keeffe's work, Whitney Museum of American Art.

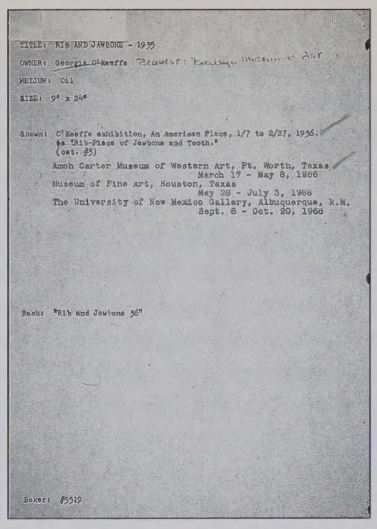

TITLE: RIB AND JAWBONE - 1935
OWNER: Georgia O'Keeffe
MEDIUM: Oil
SIZE: 9" x 24"
Shown: O'Keeffe exhibition, An American Place, 1/7 to 2/27, 1936.
as 'Rib-Place of Jawbone and Teeth.'
(cat. #5)
Amon Carter Museum of Western Art, Ft. Worth, Texas
March 19 - May 8, 1966
Museum of Fine Art, Houston, Texas
May 28 - July 3, 1966
The University of New Mexico Gallery, Albuquerque, N.M.
Sept. 8 - Oct. 20, 1966
Back: "Rib and Jawbone 36"
Baker: #5519

Figure 5. Page on *Rib and Jawbone* (1935, Brooklyn Museum of Art) from O'Keeffe's and Doris Bry's record of O'Keeffe's work. Copyright 1989 The Georgia O'Keeffe Foundation.

tions of O'Keeffe's art. They also include entries that Bry made for works that Irvine and O'Keeffe had not catalogued and for works O'Keeffe completed after her work with Irvine had ended. But most important, most entries in the Abiquiu Notebooks pair a black and white photograph of the work with the fact sheet describing it. That is, Bry and O'Keeffe attempted to match each fact sheet with a photograph documenting the work described. Indeed, the Abiquiu notebooks visually document 90 percent of the approximately 900 works included in them, and that number represents about half of O'Keeffe's total output.

Pairing fact sheets with photographs was a particularly important development in the history of the record keeping of O'Keeffe's work. Many of her pictures with similar or nearly identical titles are also of the same medium and dimensions, such as two oils from 1937, *Gerald's Tree I,* Stark Museum of Art, CR 936) and *Gerald's Tree II,* Georgia O'Keeffe Museum, CR 937).[3] It would have been difficult to know which picture was which without photographs accompanying fact sheets in the Abiquiu Notebooks, which made the identity of each clear, especially if the title of neither painting had been inscribed on its backing board.[4]

The third record of O'Keeffe's work was created by Edith Gregor Halpert, who owned and operated The Downtown Gallery, one of the earliest and most important galleries in this country that championed American Modernism, and who functioned as O'Keeffe's agent from 1950 to 1963. Each page of the Halpert record includes factual information, such as the work's title, its date, medium, dimensions, and then-current collection, as well as a photograph with a code identifying who had made the photograph (Fig. 6). Halpert's artist records were given to the Archives of American Art before her death in 1970, where they have long been available on microfilm.[5] But correspondence between O'Keeffe and Halpert document that Halpert's record derives from the Abiquiu Notebooks. That is, O'Keeffe loaned Halpert the Abiquiu Notebooks as an aid to her for creating the Downtown Gallery record. Unfortunately, as is clear from Figure 6, Halpert or her assistants sometimes oriented the photograph of the paintings incorrectly, leading to confusion on the part of collectors.

O'Keeffe, however, indicated her preference for the orientation of her work on the backs of photographs in the Abiquiu notebooks, and I oriented works in the O'Keeffe catalogue accordingly. Sometimes, O'Keeffe's orientations differed from those in Stieglitz installation photographs, and they often differed from the way dealers, institutions and owners oriented works—a problem still festering in some quarters.

Information from these three records—the Whitney, the Abiquiu Notebooks, and the Downtown Gallery—was

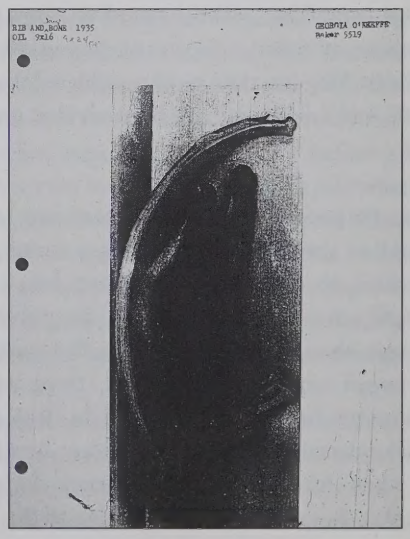

RIB AND BONE 1935
OIL 9x16
GEORGIA O'KEEFFE
Baker 5519

Figure 6. Page on *Rib and Jawbone* (1935, Brooklyn Museum of Art), from Downtown Gallery record of O'Keeffe work, Archives of American Art.

[3] CR indicates entry in Barbara Buhler Lynes, *Georgia O'Keeffe: Catalogue Raisonné,* London and New Haven: Yale University Press, Washington, D.C.: The National Gallery of Art, Abiquiu: The Georgia O'Keeffe Foundation, 1999.

[4] I examined the backing boards of both pictures. That of *Gerald's Tree II* is not inscribed, and the inscription "Gerald's Tree II" was on the backing of *Gerald's Tree I.* Thus, the photographs of these paintings in the Abiquiu Notebooks were essential to their accurate identification.

[5] Halpert also kept accurate and extensive sales records, but when these materials entered the collections of the Archives of American Art, Halpert sealed them. Through the efforts of those who felt these records were invaluable to various research projects pertaining to Halpert and the artists she represented, these materials were unsealed in 1994.

incorporated into each catalogue raisonné entry along with all newly discovered information. In some cases, as with *Rib and Jawbone* (Fig. 7) (1935, Brooklyn Museum of Art, CR 853), the title in all three earlier records was the same, presenting no problem about assigning the work a first title. But in other cases, as you can imagine, as information was typed and retyped from one record to the next, it was often inadvertently changed with respect to the

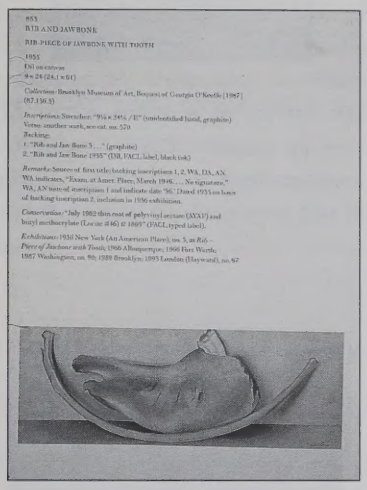


Figure 7. Page on *Rib and Jawbone* (1935, Brooklyn Museum of Art), from catalogue raisonné, CR 853.

medium. The inscription on this work, which had been recorded in the Whitney record was not recorded in the Abiquiu notebooks. In fact, in many cases, each record provided a different title for a work, even though sometimes these differences were relatively minor, such as the number in a title being changed from Arabic to a Roman numeral or a dash or comma being added or subtracted between words.

I knew from my earlier work on O'Keeffe that either she, Stieglitz, or someone assisting them routinely attached backing boards to her work, and that titles had been inscribed on them. Because I suspected that many original backing boards would still be affixed to works and thus would bear titles, I tried to make arrangements with owners before scheduling a research trip to examine both the front and backing of a work. I was able to do this in all but a few cases. Some private collectors were not comfortable with taking pictures off walls to enable me to look at backing boards.

But the backing boards I saw revealed hundreds of previously unrecorded inscriptions written by O'Keeffe, Stieglitz, or their associates. Many of these inscriptions appeared on printed and handwritten labels attached to backings, such as labels from The Intimate Gallery, the second of the three

"The backing boards I saw revealed hundreds of previously unrecorded inscriptions written by O'Keeffe, Stieglitz, or their associates."

galleries owned by Stieglitz. One of these labels, for example, was attached to the backing of O'Keeffe's pastel, *East River* (1927, private collection, CR 576), on which Stieglitz wrote its title as *East River NY—No. 2* and dated it to 1927.

Sometimes titles appeared on labels prepared by associates working for Stieglitz, such as for *Flower Abstraction* (1924, Whitney Museum of American Art, CR 458), where a label on the backing, written by William Einstein, recorded its title as *Flowers Abstraction* (Fig. 8). Einstein and others either obtained these titles from O'Keeffe or Stieglitz or invented them based on their observations of the subject of the paintings.[6]

From time to time, Stieglitz wrote titles and dates directly onto backings, such as for *Calla Lily with Red Background* (1923, private collection, CR 429), where he also indicated that the picture was signed on its back by O'Keeffe and assigned it the price of $500, certainly a low figure by today's standards (Fig. 9). Indeed, backing boards included so many different kinds of inscriptions that I limited

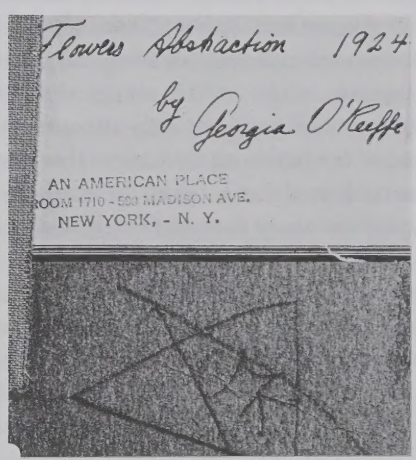


Figure 8. Backing board of *Flower Abstraction* (1924, Whitney Museum of American Art), CR 458.

[6] *Flower Abstraction*, rather than *Flowers Abstraction*, was listed as this painting's first title because it was titled *Flower Abstraction* in all three earlier records of O'Keeffe's work, with *Flowers Abstraction* as an alternate title. The "Guide to Entries," describes the system that determined first and alternate titles. See Lynes, *Georgia O'Keeffe: Catalogue Raisonné*, p. 23.

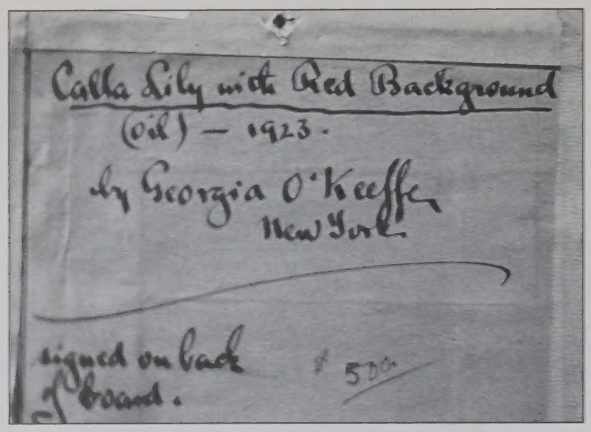


Figure 9. Backing board of *Calla Lily with Red Background* (1923, private collection), CR 429.

Figure 10. Verso of *Blue Morning Glories* (1935, private collection), CR 820.

recording them for the catalogue to those that had been written by O'Keeffe, Stieglitz, or one of their associates.

The presence of these inscriptions made it possible to dispel the myth about titles that O'Keeffe had helped create. For example, in 1952, when she was 65, she wrote Halpert: "I never remember titles to my paintings as others have usually put them there because I didn't" (OK to EH, 22 July 1952, AAA). This may have been true before the mid-forties, because from 1916 to 1946, when Stieglitz was O'Keeffe's agent, he and his associates usually handled the mechanics of labeling O'Keeffe's work. Yet, the Whitney records often include title inscriptions from the backing boards of pictures that first-hand examination confirms are indeed in O'Keeffe's hand, indicating that she herself had inscribed many backing boards with titles by the time she and Irvine worked together or when they examined the pictures together. Moreover, it is also clear that O'Keeffe frequently inscribed backings with titles after the mid-1940s, because the fact sheets for many of the paintings she and Irvine catalogued do not record the inscriptions by her that my examinations of these works revealed.

Figure 11. Verso of *Alligator Pears* (1923, private collection), CR 309.

Indeed, O'Keeffe often wrote titles directly on backings (Fig. 3) and on printed labels. These titles often differed from those that had been written on the same works by Stieglitz or his associates, from those on Stieglitz exhibition checklists, and from those recorded in either the Whitney records, the Abiquiu Notebooks, and Downtown Gallery records. In resolving which of these titles would become a work's first title, I determined that if O'Keeffe had inscribed a title on a work, regardless of when she might have done it, her title would be the first title, because it reflected a direct intention on her part to give the work a name. And if the work had been inscribed with a different title by anyone else or had been given a different title in either of the three records of O'Keeffe's work, each title variation would become an alternate title and its source indicated in catalogue entries (Fig. 2).

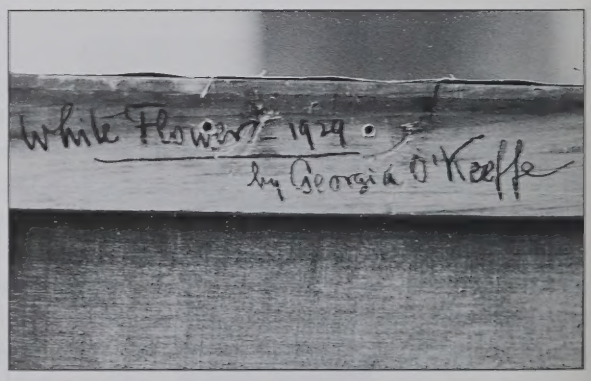


Figure 12. (Stretcher for) *White Flower*,1929. Oil on canvas, 76.5 x 91.8 cm. © The Cleveland Museum of Art, 1997, Hinman B. Hurlbut Collection, 2162.1930.

Examining works first-hand also made it possible to measure each work accurately and determine its precise medium. What I discovered in these regards sometimes differed

from related information in the three earlier records of O'Keeffe's work; and thus, the catalogue is the first accurate record of the sizes and mediums of O'Keeffe's work.

Whenever possible, I also examined versos and stretchers. This was easily accomplished with works in institutional collections, where in-house conservators were on hand to remove backings of paintings. I also wanted to examine versos and stretchers of works in private collections, but although I carried a large liability insurance policy during the period of my research (and still do, by the way), I could not invite disaster by attempting to remove backings myself. Thus, the inscriptions on the structural elements and versos of many O'Keeffes remain unrecorded. But on occasion, private collectors or their curators became so interested in what might be discovered that they removed backings for me.

"Cumulatively, these previously unknown inscriptions effectively dispelled the prevailing idea that O'Keeffe rarely signed or dated her work."

Sometimes my examinations revealed, among other things, that the verso of an O'Keeffe painting had another work by O'Keeffe, such as in the unfinished *Untitled (Flower)* (c. 1932, CR 820, Fig. 10), which is on the verso of *Blue Morning Glories* (1935, private collection, CR 863), which O'Keeffe signed and dated "35." These findings were often quite surprising, as in the case of *Alligator Pears* (1923, private collection, CR 421). On the verso of this work is an astonishing O'Keeffe painting of a nude (CR 309), clearly based on photographs Stieglitz made of her in 1919 (Fig. 11). [7]

But when I was able to examine versos and stretchers, understandably I more often discovered previously unrecorded inscriptions, rather than previously unknown works. In fact, I discovered hundreds of unrecorded inscriptions, including notations written by Stieglitz or O'Keeffe, such as the inscription on the stretcher of *White Flower* (1929, Cleveland Museum of Art, CR 674), in which O'Keeffe refers to the materials she was using: "turpentine and little linseed oil, 5/28 Dutch Pa" (Fig. 12). Inscriptions on versos also occasionally provided marvelous revelations of O'Keeffe's feelings about works, as with *Untitled (Colorado Landscape)* (1917, private collection, CR, 218), a watercolor she sent to Stieglitz in New York when she was

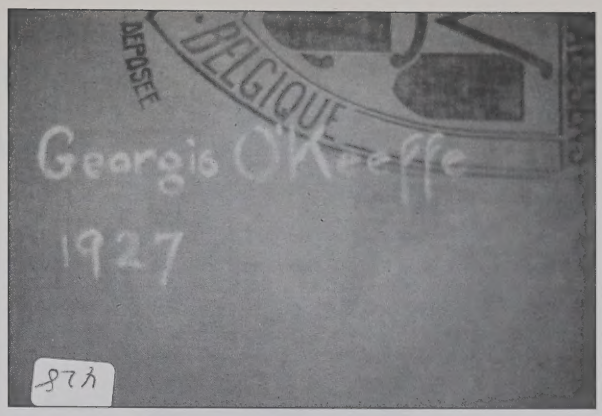


Figure 13. Verso of *Red Cannas* (1927, Amon Carter Museum of Art), CR 589.

living in Texas. On the verso she wrote: "I want this back."

Cumulatively, these previously unknown inscriptions effectively dispelled the prevailing idea that O'Keeffe rarely signed or dated her work. In fact, before 1915, she signed and often dated the obverse of works, but in later decades, she signed and dated works only on backings, versos, or stretchers—but, in a variety of ways. Sometimes she printed her full name, and sometimes she printed only "O'Keeffe" (Fig. 13), sometimes with and sometimes without the requisite apostrophe. Among other variations, late in life, she wrote her whole name in script on the backings of works.

Seeing works first-hand also verified that O'Keeffe at one time ranked her paintings by using a system or code that was inscribed on the backings and versos of works—stars, circles, and rectangles, which I frequently found and recorded. Yet, because she never wrote down precisely what these symbols meant to her, their meaning is lost. Nonetheless, early on, Stieglitz promoted the idea that the presence of a star on the backing of a work, especially if it had an OK inscribed in its center, identified it as among O'Keeffe's finest.[8] But because I found the "OK in a star" cipher on so many works of less than stellar quality, such as on the backing of *Paul's Kachina* (1931, The Georgia O'Keeffe Foundation, CR 782) (Fig. 14), it soon became clear that this particular symbol had ultimately functioned for O'Keeffe as something of a trademark rather than as a qualifier of her work.

As you can see from this presentation of only a few of the many discoveries I made and the fascinating problems I

[7] The Alfred Stieglitz photographs from which this painting derives are reproduced in Sarah Greenough, *Alfred Stieglitz: The Key Set*, Washington and New York: The National Gallery of Art and Harry N. Abrams, 2002, entries 574, 575, and 577.

Figure 14. *Paul's Kachina* (1931, The Georgia O'Keeffe Foundation), CR 782. Copyright 1989 The Georgia O'Keeffe Foundation.

confronted while working on the O'Keeffe catalogue raisonné, the results of my research eclipsed even my wildest expectations of learning to know O'Keeffe and her work on an intimate level. My research gave me access to an unexpected richness of information that ultimately made it possible, among other things, to come to a completely new understanding of the role the artist had played in documenting her own achievement. Not only had she been instrumental in creating the first record of her output, but she had understood the importance of seeing that it was expanded and elaborated as needed, and, above all, kept up-to-date. She was aware of the importance of preserving and maintaining an archive of documents pertaining to her life and her work—all of which proved to be invaluable sources of information in my work. In this regard, perhaps the most unexpected revelation was that O'Keeffe signed a significant portion of her work and, in a variety of ways, played a major role in titling and dating it.

Moreover, examining each work provided me with a completely new understanding of the degree to which O'Keeffe cared for and was meticulous about the character and quality of the materials she used, whether working in oil, pastel, watercolor, charcoal, or pencil. Finally, seeing and examining works first-hand, which I had initially considered a luxury (and others had thought unnecessary), turned out to be one of the project's most essential components. It provided me with an unprecedented opportunity to learn every aspect of the physical characteristics of O'Keeffe's work, and that knowledge proved invaluable in making decisions about inclusion and exclusion.

More broadly, the successful completion of any catalogue project requires that one be sometimes a diplomat, sometimes a combatant, sometimes a sleuth, and always a willing recipient of unexpected information, even though that information might invalidate ideas one has held dear about a vast amount of work. The successful completion of the O'Keeffe catalogue, on the one hand, required me to travel to the ends of the earth on a tight schedule and, on the other, demanded that I retreat to sit and think in absolute silence, allowing the answering and fax machines to serve as my representatives. Finally, it seems that the only constants in such a process are persistence and a willingness to learn from the subject.

I certainly learned a lot from my subject during the years I carried out research for this project, and I am still learning. O'Keeffe's work continues to be of keen interest to me, and I can only hope the catalogue sparks a similar interest in those who examine it. I also hope that readers might sense the excitement of discovery and synthesis that impelled me during the six and one-half years spent on research for the catalogue.

▪ ▪ ▪ (→ *continued next page)*

[8] The backing of catalogue raisonné entry, 254, *Series I-No. 3* (1918, Milwaukee Art Museum) includes a star and an inscription in Stieglitz's hand: "For OK to sign." Although O'Keeffe could have inscribed the star on this work and forgotten to include her initials within it, it is also possible that Stieglitz or someone working for him had inscribed the star and that Stieglitz felt the necessity to indicate on the work that O'Keeffe needed to inscribe the star with her initials. Thus, it is possible that the symbols on the backings of O'Keeffe's work were not always in O'Keeffe's hand. Yet, because there was no way of determining which symbols on backings had been inscribed by O'Keeffe, Stieglitz and others that worked for them, all symbols on backings were recorded in the catalogue as having been inscribed by O'Keeffe.

PART II

JUDITH WALSH*

Beginning in 1994, I traveled with Barbara Lynes as often as possible when O'Keeffe's works on paper were to be catalogued. This proved to be a remarkably amiable association. Over four years, we gathered information from a close look at over a thousand sheets of paper used by Georgia O'Keeffe for her pencil sketches and drawings, her charcoals, watercolors and pastels. (And, we never had a cross word.)

I have compared my part in our enterprise to the work of natural historians. These "low-tech" scientists develop an understanding of complex natural phenomena by interpreting simple, meticulously recorded observations. In my case, each work on paper was scrutinized and described. First, the paper was considered. It was carefully measured. Its thickness was recorded. The color of the paper, and its surface texture were noted. The feel of the sheet to the hand was described. Sheets were flexed to hear the "rattle" and sniffed to determine if the sizing or fixative could be identified. Judgments were made about the manufacturer's projected use for the paper: Is this a "drawing paper" or a paper sold as stationery? And, of course, watermarks were noted when present.

My notations also included comments on the artist's manner with the different media. Techniques particular to each media, and erasures, underdrawing, or corrections to the design were registered. All this data was gathered in a data base that Barbara and I dubbed "The Paper Profile." The "Paper Profile" was used in the catalogue raisonné entries to describe the sheets and media of the works I saw.

This was the practical use we had predicted for my work, but our cooperative work yielded much more than simple descriptions. As the number of works included in the Paper Profile grew, and as Barbara was able to date the images, we realized that interpretation of the data was possible. The Paper Profile data base became a powerful tool for sorting all the recorded details that finally allowed us to characterize O'Keeffe's habits and preferences as an artist. Importantly, when the details were arranged chronologically, we found evidence that she developed her mature technique and aesthetic through her early works on paper.[1]

In compiling the Paper Profile, special attention was paid to the sheets used for O'Keeffe's formal work on paper—her presentation works, if you will. We started with the works that were held by the Georgia O'Keeffe Foundation, as beneficiary of her estate. In 1994, this core group included almost 100 formal works on paper in all media. All of these had an unassailable provenance, all of these were in pristine condition, and all of these were apparently of great importance to the artist.[2]

Because Barbara insisted on seeing everything unframed, we could take accurate measurements of each sheet, to the 1/16th of an inch. Measuring a work of art may seem simple-minded, but we found meaning even there. As we measured each sheet, I made observations on the edges of the sheets—were they cut edges, torn edges, deckle edges? Did they show adhesive residue from a pad or block? What color was it? Even the marks left by tack holes, paper clips, or creases were recorded from the start.

Eventually, we discovered one of O'Keeffe's idiosyncratic and important working habits. Most often, O'Keeffe worked on an image in series. For each series, she would use a group of sheets of the same type, and the sheets would also be approximately the same size.

When she used a block of paper, as she is doing in the 1918 photograph by Alfred Stieglitz (Fig. 1), the sizes of the

Figure 1. O'Keeffe painting in watercolor, using a block of watercolor paper and pan colors. (Alfred Stieglitz, *Georgia O'Keeffe: A Portrait-with Watercolor Box*, 1918. Alfred Stieglitz Collection, National Gallery of Art.)

* Judith Walsh is Senior Paper Conservator, National Gallery of Art, Washington, DC.

[1] See Judith Walsh, "The Language of Her Materials—Charcoal, Watercolor, Pastel" in Ruth Fine and Barbara Buhler Lynes, eds., *O'Keeffe on Paper*, National Gallery of Art, 2000.

[2] Barbara Buhler Lynes, *O'Keeffe's O'Keeffes, The Artist's Collection.* Milwaukee: Milwaukee Art Museum; Santa Fe: Georgia O'Keeffe Museum; New York: Thames & Hudson, ©2001.

sheets are, of course, quite regular. Often, though, the sizes of the sheets were off by small fractions of an inch, and had one or two irregularly torn or cut edges. It became clear that O'Keeffe would take large sheets of paper, fold them in half or quarters, then slit or cut the pieces along the folds to provide a short stack of papers of about the same size, very often about 9" x 12". In fact, a few blank folded sheets were found among her studio materials (Fig. 2). Because of this habit, which we found in her work throughout her career, her images in series are almost always on the same type of paper, as well as being of similar dimension.

The next attribute to be recorded was the thickness of the sheets. Each sheet was measured using a hand held micrometer. The actual thickness measurement of the sheets was not as interesting as the very narrow range into which the papers fell: only a handful of O'Keeffe's watercolors were painted on sheets outside a narrow range of medium-weight papers.

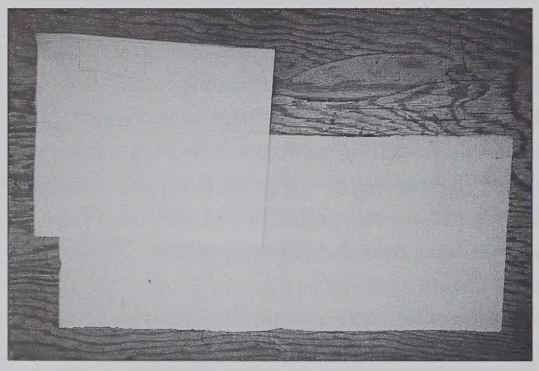


Figure 2. Sheet of paper found among O'Keeffe's studio materials, showing her habit of folding and quartering a sheet. This habit resulted in regular sizes in images she made in series. Photo: Judith Walsh.

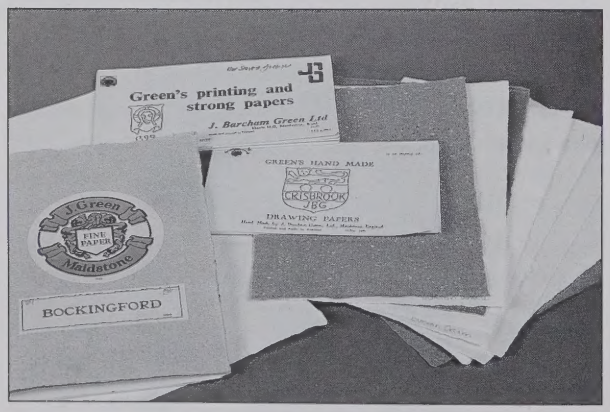


Figure 3. Paper samples for the J. B. Green Company, dating from the early part of the 20th century. It was among these samples, purchased by the National Gallery of Art Paper Sample Collection, that the "Bockingford cartridge" O'Keeffe used for over 60% of her watercolors was found. Photo: Judith Walsh.

The color of the paper was also described. At first I used the terms like: cool white, creamy white, dead white—but, in 1996, The Print Council of America issued *The Paper Sample Book*, a practical guide to the description of paper by Roy Perkinson and Elizabeth Lunning.[3] This tool makes standard terminology for describing sheets possible, as the user compares the sheet to be described with examples of papers that illustrate common-sense terms for color, thickness, and texture. I adopted this vocabulary as soon as it was available. Again, we found that O'Keeffe chose sheets within a narrow range of the possible choices —almost all her sheets were medium cream in color.

She was also consistent in choosing papers of relatively little texture. Twentieth century technology made papers available in a wide range of textures. Novelty papers that had the texture of cloth or wood grain or animal skin were readily available to O'Keeffe in Texas in 1916. These were understandably not of interest to her, but even within the narrow range of papers specifically made for watercolor, everything from a very rough paper to a smooth, polished card were produced. She consistently chose a paper with the minimum texture practical.

In watercolor, this meant that we found that O'Keeffe rejected the traditional watercolor paper she had used in school. Instead, starting from 1915, her watercolors most often appear on a lesser quality sheet.[4] Much of the time, O'Keeffe used a soft, smooth, pale cream paper that she characterized as "regular school exercise paper."[5] I was able to identify it as "Bockingford cartridge paper" when the National Gallery obtained a sample of that paper tucked into another sample group we purchased from England (Fig. 3). The Bockingford cartridge was certainly made in England—perhaps at Hayle Mill in Maidstone, Kent.

By the 19-teen's, artists' "cartridge paper" was a good, but not the best quality paper, something like our "student grades." Compared to "professional" or best grade paper, such as Whatman, this cartridge was made from a lesser fiber, esparto, and made by machine rather than by hand. O'Keeffe apparently preferred this paper for its innocuous surface texture and drab cream color, which give her an almost invisible

[3] *The Print Council of America Paper Sample Book* is available from: Thomas Bruhn, Treasurer, Print Council of America, The William Benton Museum of Art, The University of Connecticut, 245 Glenbrook Road, Storrs, CT 06269-2140. Or by e-mail: thomas.bruhn@uconn.edu.

[4] In her choice of papers, she was not in the mainstream of 20th century art. See Judith Walsh, "Drawn to Tradition: Artists' Paper through the 20th Century," Judith Brodie and Andrew Robison, eds., *A Century of Drawings*, 2001, National Gallery of Art, 2001, pp. 303-313.

"...only a handful of O'Keeffe's watercolors were painted on sheets outside a narrow range of medium weight papers."

support for her images. The same fuzzy cartridge paper was used for about 60% of her early watercolors.

O'Keeffe did use other papers for watercolors—apparently for those images that could not be made on her "school exercise" paper due to its size, or else, because her regular paper was unsuited to a technique she wanted to use. For example, *Blue II* (1916, Georgia O'Keeffe Museum) is on a large sheet of traditional watercolor paper—about 27" x 22". It is probably a handmade Whatman. In addition to its bigger format, the surface of the paper is strong enough to withstand the wiping of the paint that creates the form in this series.

She used newsprint for the series *Light Coming on the Plains* (1917, Amon Carter Museum). In these watercolors, the suffusing light of dawn that dispels the deep blue of night was depicted by adding ox-gall or another dispersant to the wet watercolor, causing one color to separate from the other. Her slightly fuzzy watercolor paper had too much surface tension to allow the paint to move like this. New newsprint is very smooth, and the same color as her preferred cartridge paper. Newsprint made a good substitute for the cartridge paper, if a slippery surface is required. O'Keeffe's specific choice of papers for formal works seem to be deliberate and meaningful: *she used the right tool for the job.*

O'Keeffe's watercolors were different from earlier watercolor painting in that they embraced abstraction. Her method of painting was equally innovative. 19th century American painters and most of O'Keeffe's contemporaries used variations on traditional British watercolor technique. They employed handmade creamy white paper that maximized the reflection of light through thin veils of watercolor; they layered washes to build up designs over pencil underdrawing. They varied their washes by using transparent or opaque colors and Chinese white. Their hard-sized paper permitted subtractive techniques, by which an already laid wash was reworked, reduced or changed by rewetting and blotting, rubbing, scraping, or scratching. Rougher sheets gave a dazzling, dappled quality to their painting since light is scattered by the pronounced texture of the sheets, and tiny puddles of color would dry slightly darker in the valleys than on the high points in the sheet.

Although O'Keeffe had used similar techniques from as early as 1903, when she began her own watercolor explorations in 1916, she chose to use the cartridge paper I have already described. This paper severely limited the way her paintings could be made: it does not allow any subtractive techniques—rewetting and blotting, rubbing, scraping, or scratching—so O'Keeffe could not labor over painted effects as she had while working with charcoal, and as most watercolor painters do when using more traditional paper. Instead, her watercolors had to be made in one bold act—each is all or nothing, as the artist has only one chance to make it right.

Still, very soon, she acquired control in the medium. For the spectacular and relatively large watercolor painting, *Nude Series XII* (1917, Georgia O'Keeffe Museum), she apparently pre-wet the sheet with a pale wash in the shape she wished to make. This broke the surface tension on the sheet to make way for the flood of dark magenta watercolor. This very effective technique obviates the need for underdrawing and allows the color to appear pure, spare and clean. The colors seem to move and merge in an organic way, creating a vibrant— but pristine—image.

"[The cartridge paper] severely limited the way her paintings could be made: it does not allow any subtractive techniques—rewetting and blotting, rubbing, scraping, or scratching—so O'Keeffe could not labor over painted effects . . . Instead, her watercolors had to be made in one bold act . . ."

The abstracted landscape images seen in paintings like *Evening Star, No. V.* (1917, McNay Art Museum) show O'Keeffe's control over the watery medium. Concentric rings of rich color fit together like pieces of a puzzle, pulsing from the bright glow of the star. The blocks of color were each applied in one sure stroke, with a sweep of a big sable watercolor brush. After one band of color had

5 "He [Stieglitz] had the idea that there must be a woman somewhere who could paint. When he saw my watercolors on regular school exercise paper, he thought I was that woman." Mary Lynn Kotz, "Georgia O'Keeffe at 90," *Art News* 76 [December 1977]:43. quoted in Lynes, *O'Keeffe, Stieglitz and the Critics, 1916-1929*, note 13, Ch. 1, p. 320.

(almost) dried, the next could be applied, with little risk of marrying the colors. Intervals of blank paper provide a barrier between the colors. Each stroke dried to a hard edge; most often the color also avoids the edges of the sheet.

Although the photograph of O'Keeffe working shows her using pan colors, no watercolor box was preserved among her studio materials. I think that she must also have used tube colors at this time (Fig. 4). At the bottom center of the *Evening Star*, a daub of blue paint was squeezed directly from a tube onto the wet surface of the sheet. That "kiss of the tube" imparted both the deepest color and a glossy spot of excess medium.

Figure 4. Tubes of watercolor paint from O'Keeffe's studio. Many of these paints date from the mid-1950s. Photo: Judith Walsh.

Finally, in 1918, in San Antonio, Texas, O'Keeffe painted a group of watercolors that are more complicated in image, composition and palette than her previous work. To accommodate these changes, she used a scant pencil drawing for many of the watercolors. One painting from the group, *Window—Red and Blue Sill* (1918, Georgia O'Keeffe Museum) simultaneously shows all the techniques O'Keeffe could command in watercolor, and what might have been, from her point of view, the medium's particular limitations. Although she seems to have tried a variety of ways to achieve the subtle gradations in tone that she explored in charcoal and her first blue abstractions, in watercolor the merging of color is additive. That is, a third, darker color is created by mixing two wet colors, so chromatic transitions are not easily rendered. In the blue to pink transition on the sill, or the blue to pale purple at the right, even in the pale blue highlighting of the reflection in the window pane, the medium resisted the tonal transitions that became an important part of O'Keeffe's painting style.

"By June, 1918, when O'Keeffe moved to New York . . . she had apparently exhausted watercolor's appeal, as the medium appears only rarely in her work after that."

Watercolor is simply not the proper tool for exploring the subtle shift of one color into another. For this she required the more opaque and controllable media of oil or pastel. By June, 1918, when O'Keeffe moved to New York to take up Stieglitz's offer of a free year to paint, she had apparently exhausted watercolor's appeal, as the medium appears only rarely in her work after that. Her main episode of watercolor use lasted about three years—from June 1916 to early 1919. There are 123 watercolors from this period listed in the Catalogue Raisonné.

Inevitably, works purported to be by O'Keeffe raised questions of authenticity. Barbara has said many times that three things were considered as she assessed the authenticity of each object presented to her for inclusion in the catalogue. One: the connoisseurship of the art historian, two: the documented provenance, and three: the technical information.

The term "technical information" encompasses both the fundamentals of the craft of painting—the techniques—and the analysis of the materials in an organized, "scientific" way. It does not simply mean chemical or scientific analysis of the component parts. For this broad meaning of technical information, the data gathered for describing each work on paper was indispensable. The groundwork done with O'Keeffe's formal works on paper had already given us a profile of O'Keeffe's usual manner in watercolor, charcoal and pastel. We had a clear idea of what to expect from this artist.

As described above, we found that during the critical years of her watercolor explorations, O'Keeffe had consistently chosen the most innocuous paper possible for her watercolors; more than 60% of the time it was the fuzzy cartridge. When she worked in series:

- The images were most often on the same paper and about the same size, 9" x 12".
- She did not use "found" sheets for her formal works.
- She did not recycle papers.
- Her applied colors most often respected the edges of the sheet, and intervals of blank paper were reserved between colors.

- She applied color in fluid washes and in long graceful brush strokes; sometimes she applied paint directly from the tube.
- She did not use subtractive techniques.

As a rule, her color was transparent, and her palette in each image was limited. The overall effect of her watercolor painting was of a pristine image in jewel-like color. She evidenced great skill in watercolor dating from 1914. These observed technical characteristics were looked for in any watercolor that was purported to be by O'Keeffe.

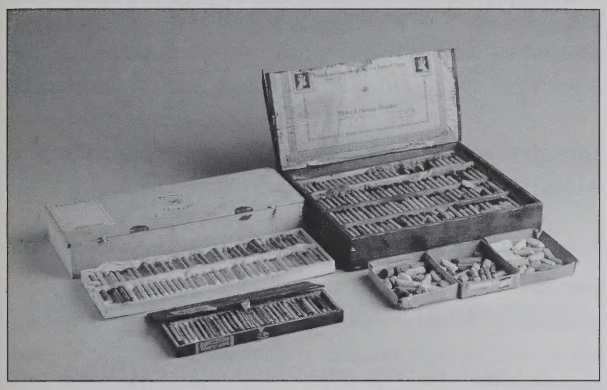


Figure 5. The charcoal materials left by O'Keeffe are among the three dozen cartons of studio materials now in the collection of the Georgia O'Keeffe Museum Research Center, Santa Fe, New Mexico. All the materials were the gift of Juan and Anna-Marie Hamilton. Photo: Courtesy the Georgia O'Keeffe Museum Research Center.

Of course, we also looked at the paper used in purported works. We expanded the scope of the paper profile to include data on any papers used by O'Keeffe for any purpose, and of all the papers vaguely connected to her in critical periods since these would also be probable for her to use. To this end, we included descriptions of the 690 sketches on paper in the O'Keeffe Foundation, and the blank sheets found among her studio materials. Even the papers used for correspondence to and from O'Keeffe were scrutinized when available.

Georgia O'Keeffe left two complete studios at her death. All that material had been preserved. Thirty-five cartons and several flat portfolios of the artist's studio materials, including many types of papers, were generously made available to us.[6] Every item was catalogued, each pastel stick and tube of paint was counted and described. Each blank sheet of paper was also catalogued and considered (Fig. 5).

Papers used by Stieglitz in his publications were considered, as were sheets used by the artists within his circle. O'Keeffe's published letters offered information on which papers were of interest to her. Her preserved tax records and her studio files were consulted to review O'Keeffe's receipts and information on art supplies. Notations in books on technique from her library were copied. The artist's queries and her aesthetic concerns were culled from correspondence with Caroline Keck, her longtime paintings' conservator. We peered with magnification at photographs taken of her studio, and at the many photos made of her at work. Finally, a few artists and others who had known O'Keeffe offered reminiscences of her working methods. All of this information was gathered to help us identify what was probable for O'Keeffe to have used.

At the same time, an effort to identify the questionable sheets by name and manufacturer was undertaken. *Direct comparison of the questionable sheets with identified papers of known vintage* was the critical method by which papers were identified. Once the sheets were identified, we could look for written documentation about their dates of manufacture, distribution and the range of the availability of papers seen in purported works by O'Keeffe. For this, historical information on the manufacture and trade of papers came from periodicals published for the paper trade, and by correspondence with paper distributors and research in the corporate archives of paper manufacturers. In several important cases, questionable sheets were identified, and their date of manufacture and distribution were determined. This allowed me to reject some works, since the paper itself made the work impossible for O'Keeffe. Before our study, watermarks were the only means to specifically identify and closely date O'Keeffe's papers.

"In several important cases, questionable sheets were identified, and their date of manufacture and distribution were determined. This allowed me to reject some works, since the paper itself made the work impossible for O'Keeffe."

One tool was absolutely crucial in this part of our study: the paper manufacturer's advertising sample books. These are particularly valuable as they provide information on sheet size, and are typically dated by the manufacturer in

[6] All of O'Keeffe's studio materials can be seen and consulted at the Georgia O'Keeffe Museum Research Center, Santa Fe, New Mexico. The material was a gift to the Research Center from Juan and Anna-Marie Hamilton.

the sample book—sometimes by a code on the back cover. This removes any guess work from dating (Fig. 6).

Beginning in 1991—before commencing work on the O'Keeffe catalogue raisonné—I had begun to catalogue documented samples of artists' papers. The samples are catalogued in a completely searchable database, with watermark images, and are stored in individual envelopes (Figs. 7 and 8). Today, the collection contains about 2,300 catalogued record groups comprising sample booklets, single sheets, bound volumes, broadsides, and pieces of ephemera. We have clearly dated samples from 1830 to 2002—approximately 40,000 documented pieces of paper in all.

I found that by comparing unknown papers—by their intended use, surface texture, color, thickness, sheet size—all the data we had already acquired for the profile—to the information in the sample books, I could identify individual sheets of paper. The sample book collection is broad enough to comprise many consecutive years, and these give a clear idea of the dates the sheets were available.

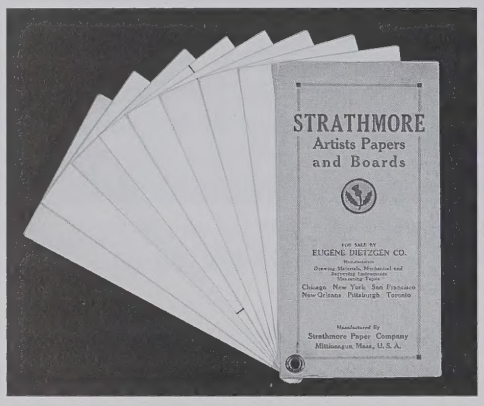


Figure 6. *Artists Papers and Boards*, the Strathmore Paper Company sample book from 1913 includes the watercolor and charcoal paper O'Keeffe used for some of her drawings. (National Gallery of Art Paper Sample Collection, Gift of the Strathmore Paper Company. Photo: Carol Ann Small.)

"One purported O'Keeffe watercolor was found to be on a Strathmore paper that showed a regular lozenge pattern. The sheet compared exactly to a sheet of student grade watercolor paper called 'Alexis' in a sample book from Strathmore that was dated 1950."

To be sure that my descriptions of the paper used in purported O'Keeffes was accurate, I made myself a little sample book of about 30 vintage watercolor paper samples. I cut in half vintage samples measuring about 3" x 4" and mounted the halves on index cards to show the front and back textures of the sheets. By comparing these to purported O'Keeffes, I was able to identify some sheets.

For example, one purported O'Keeffe watercolor was found to be on a Strathmore paper that showed a regular lozenge pattern. The sheet compared exactly to a sheet of student grade watercolor paper called "Alexis" in a sample book from Strathmore that was dated 1950. Through conversations with the Vice President for fine paper at Strathmore, I learned that Strathmore bought their Beau Brilliant® belt for their Fourdrinier paper-machine in 1934. The belt is a broad wire mesh—a woven wire cloth—

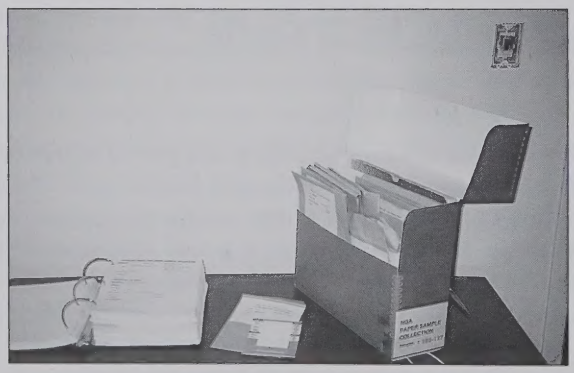


Figure 7. About 2,300 Individual paper sample booklets are housed in archival envelopes and boxes in the National Gallery of Art Paper Sample Collection. Photo: Judith Walsh.

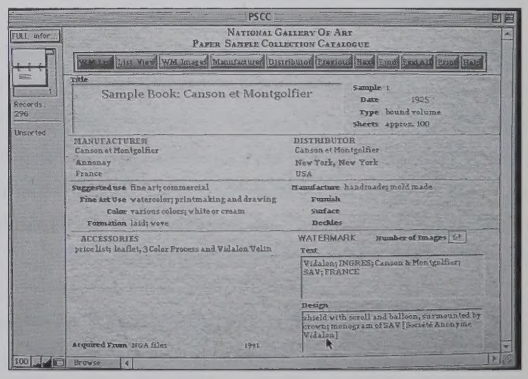


Figure 8. All the samples are catalogued in a fully searchable database that allows individual researchers access to samples from any particular year, manufacturer, or type of paper. Photo: Judith Walsh.

that threads through a papermaking machine in a continuous loop, bearing the wet pulp as it drains and passing the formed sheet on to other rollers. This is the part of the machinery that imparts a surface texture to a sheet. These belts are considered to be proprietary, and considerable market and practical research go into their development. Strathmore still uses an evolved Beau Brilliant® belt in many of its lines of paper.

To document the information given to us by the Strathmore Vice President, Barbara and I spent several hours in the cold, dark, dirty basement of a closed papermill in West Springfield, Massachusetts. We pawed through files and piles and boxes of paper sample books belonging to the Strathmore Paper Company.[7] In time, we found a sample book that documents the fact that Strathmore introduced artists' paper with the new Beau Brilliant® texture in 1935, and in 1939, they introduced the student grade paper we found in one O'Keeffe wanna-be (Fig. 9). Barbara considered that watercolor from all three aspects—aesthetics, provenance and technical—and excluded it from her catalogue. Future scholars are invited to use our samples at the National Gallery by contacting me to make an appointment.[8]

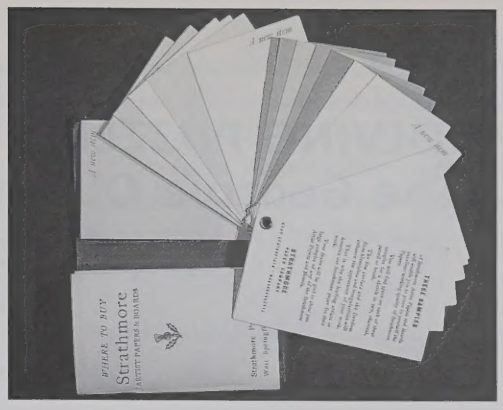


Figure 9. *Artists Papers and Boards*, the Strathmore Paper Company sample book that introduced student grade "Alexis" paper. Formed with the Beau Brilliant® texture that marked Strathmore papers, this sheet was marked "A New Item" in this sample book dated 1939. (National Gallery of Art Paper Sample Collection, Gift of the Strathmore Paper Company. Photo: Carol Ann Small.)

"We piled through files and piles and boxes of paper sample books belonging to the Strathmore Paper Company. In time, we found a sample book that documents the fact that Strathmore introduced artists' paper with the new "Beau Brilliant" texture in 1935, and in 1938, they introduced the student grade paper we found in one O'Keeffe wanna-be."

Working together on her catalogue raisonné, Barbara and I demonstrated that *technical connoisseurship*—the study of an artist's studio practice, methods and use of art materials—can be an important tool for art historians to consider in both understanding an artist's achievement and in assessing authenticity of works of art. But the conservator, like the art historian, needs time and exposure to a broad range of an artist's work to develop a context for technical data and a credible expertise. My technical connoisseurship proceeded hand-in-hand with Barbara's art historical connoisseurship. We traveled together as needed for four years, but we continuously discussed O'Keeffe for an additional two years before the catalogue was published. This amount of time was critical—after looking, I had to research and identify individual papers. You cannot expect a conservator to tell you anything important about one work of art presented in isolation.

But, you shouldn't have a hard time convincing a conservator to take on a project like this, as the work is personally rewarding, and so much fun! I gained an appreciation for Georgia O'Keeffe's achievement as an artist, and had the privilege of studying her and the art she produced on an intimate level, separate from the cultural icon she has become. By understanding the process by which she created her marvelous pictures, we were able to discover the development of her personal aesthetic through her works on paper. And, it was nothing short of inspirational to figure out that late in her life, when she was nearly blind, she was still referring to the shapes she had imagined in her teens.

• • •

[7] The Strathmore Paper Company, a subsidiary of the International Paper Company, gave the National Gallery of Art Paper Sample Collection duplicates of their historic sample books—about 800 Strathmore sample books dating from 1893 to 1999. These are very important as Strathmore was, and continues to be, the premier manufacturer of artists' papers in the U.S.

[8] For information about the collection please e-mail me at j-walsh@nga.gov. Use "Paper Sample Collection" in the subject line.

SOLVING PUZZLES, DISCOVERING O'KEEFFE: The Georgia O'Keeffe Catalogue Raisonné

AUDIENCE QUESTIONS

Q Were you able to ascertain O'Keeffe's creative process? Did she do ten pictures in one day and then not do something for a week? I'm interested in how she worked as an artist.

A **Lynes:** Judy and I did a lot of work on aspects of these issues. I think the most relevant documents providing information about them are letters written by O'Keeffe in which she refers to her working methods. Sometimes she would start a picture and finish it very rapidly, and then pick it up again and work on it later. Sometimes she would work on a picture for several days or weeks. She made hundreds of sketches that were preparatory to her works in oil. Her watercolors that date from 1916 through 1918 were done with great surety of hand. It's really hard to say how many pictures she produced in a day and how much time she spent on certain pictures. For example, the catalogue raisonné documents that one of her paintings of *Ranchos Church* [Taos] was completed, exhibited, and that she then painted on it again. And, of course, beginning in 1929, the first of many summers O'Keeffe painted in New Mexico, she transported paintings back and forth from there to New York and vice versa, and she worked on them in both places. She and Stieglitz also worked both in New York and at Lake George and moved work back and forth between these two locations. In short, O'Keeffe completed some paintings very quickly, while she spent a great deal of time on others.

Q I'm a paper conservator. As with all situations of this kind, the process is a combination of traditional connoisseurship and the technical examination of the work of art. Sooner or later, there's got to be a problematic situation. What was your protocol in those cases for reaching a conclusion [regarding inclusion in the catalogue raisonné]?

A **Lynes:** The project had an advisory committee. Works that were problematic in terms of either connoisseurship, provenance, or technical qualities were presented to the committee. As with any research project, one discovers new information along the way, which resolved certain problems.

Q This is a follow-up to the previous question. The works that you finally excluded, were they included in an appendix? What did you *do* with the problematic works?

A **Lynes:** You know, the Jackson Pollock catalogue raisonné has been sued three times, and one of the reasons this has happened may be that the publication included a section on problematic works. It was our decision to include only works by O'Keeffe in a book about her work, so the catalogue does not reproduce works purported to be by O'Keeffe. An appendix in the catalogue includes works that I could not track down, or if I tracked them down, could not examine for one reason or another that were either documented in O'Keeffe's records of her work or pictured in installation photographs that Stieglitz made of her exhibitions.

Q Mainly because you were afraid of being sued?

A **Lynes:** No, it's just that I don't consider myself an expert on things that aren't by O'Keeffe and didn't see any reason to include works in a book about her that were not by her.

Q What happened to all her brushes and paints?

A **Lynes:** All of the art materials that O'Keeffe owned at the time of her death in 1986—brushes, paints, pastels, etc.—are in the special collections of the Georgia O'Keeffe Museum Research Center, Santa Fe, New Mexico, of which I am the Emily Fisher Landau Director. The Center opened in July 2001, and people are beginning to realize that it exists and owns important archival materials that pertain to O'Keeffe, her art, and that of her contemporaries, especially other artists of the Stieglitz circle. People have been extremely generous about giving us archival materials. For example, we recently received an extensive archive from the Estate of Maria Chabot, a friend of O'Keeffe who was responsible for rebuilding O'Keeffe's

house in Abiquiu, which O'Keeffe had purchased as a ruin in 1945. The Center sponsors research by offering six scholarships annually to qualified applicants in the fields of art history, architectural history and design, literature, music, and photography, who are interested in pursuing research projects that relate either to O'Keeffe or to American Modernism, which we define very broadly as a phenomenon that began in the 1890s and is still very much alive. One of next year's scholars will carry out research on the more than 700 O'Keeffe sketches that are on loan to the Center from The Georgia O'Keeffe Foundation as part of a larger study that explores the meaning and significance of drawings produced by Stieglitz Circle artists. The catalogue raisonné reproduced for the first time all of the hundreds of sketches that were owned by O'Keeffe at the time of her death, but had been completely unknown except to a handful of close associates. A great deal can be learned by comparing these sketches with O'Keeffe's finished works, and I am very pleased that someone will be working on this topic at the Research Center.

Q In addition to your examination of all the sheets of paper, did you also do technical analysis of the media, for example, the pigments?

A **Walsh:** We didn't. It wasn't practical to do it. And it really wasn't necessary to do it. The problem with any kind of analysis such as you describe is that it relies very much on the scientists doing it. Technical analysis is not magically correct because it's done with a machine. And so the scientist who does the work has a lot of subjective control over what he or she finds. And the problem there is that 20th-century materials have not been well documented. There's a lot of technical material available about 15th-century Netherlandish painting, and there's a lot of material about Italian Renaissance painting. Very little good technical work has been done on watercolors from this period.

Q That's why this would have been a good opportunity.

A **Walsh:** Yes, but it's incredibly time consuming. We did a project at the National Gallery analyzing Winslow Homer's watercolor box. This man left one watercolor box, not thirty-five cartons of stuff. It took five years to get a report on the twenty pigments in that box because each pigment required several different kinds of analysis, and the size of the particle that was necessary to do the testing could be gotten from a pan of watercolor if you turn it over and chip it off. But there's so little material on a work of art, 9 watercolor, that there's precious little to test. So, no, we didn't [do these tests on O'Keeffe's cartons].

Q Is there anything in New York on O'Keeffe?

A **Lynes:** Are you talking about the archival materials or the art? If you're referring to O'Keeffe's art, many New York museums have examples of her work. Her art materials are available only at the Georgia O'Keeffe Museum Research Center, so if you would like to see them, come to Santa Fe.

. . .

Missing Part of Your IFAR Collection?

Back issues of IFAR publications are available:

1977 Index of Stolen Art; 1 bound volume. $25

Art Theft Archive: 1979; 1 volume, ten issues. $25 complete

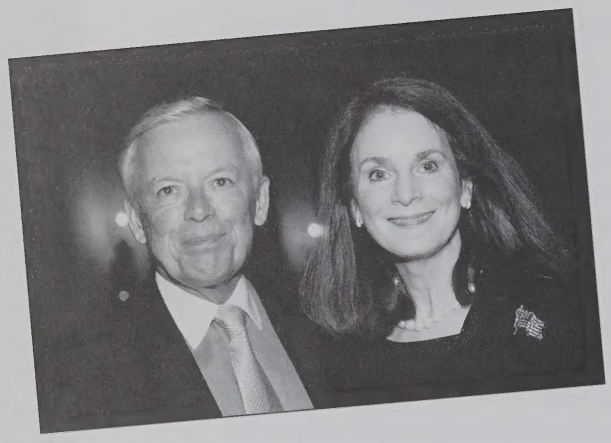
Stolen Art Alert: 1980–1984; Vols. 1–5, ten issues per vol.
$2.50 per issue; $25 per vol.; $100 all five vols.

IFARreports; featuring the Stolen Art Alert: 1985–1997; Vols. 1–18,
Ten issues per vol. $5 per issue; $40 per vol; Jan. 1998, Vol. 19, No. 1, $5

IFAR Journal; including the Stolen Art Alert: Vol. 1, 1998 (3 issues), $10 per issue;
Vol. 2, 1999 (4 issues), $10 per issue; Vol. 3, 2000, nos. 1 and 2, $10 per issue, nos. 3 and 4 (Provenance Conference double issue), $20; Vol. 4, 2001, nos. 1–3, $10 per issue;
Vol. 4, no. 4 / Vol. 5, no. 1 (Proceedings of the 9/11 Symposium, double issue), $20

Shipping and handling extra.
Articles Index available for $10 (diskette only). Complete back runs are also available.
Call (212) 391-6234 for information.

AN IFAR EVENING . . .



Mr. and Mrs. Barney Ebsworth.

Grete Meilman with Patrick O'Connor (foreground) and Margaret Holben Ellis (background).

Bella Meyer with Alessandra Carnielli.

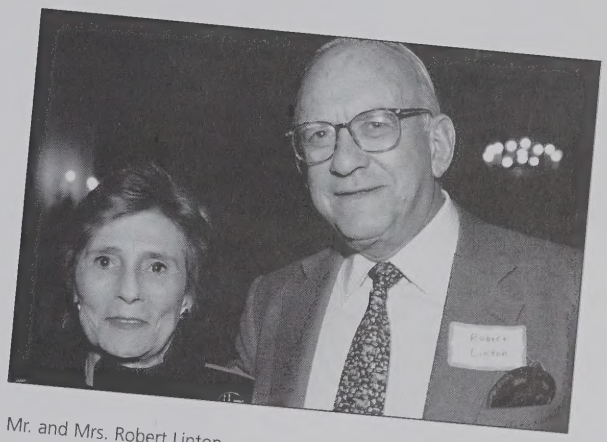
Left to right: Nancy Ellison, William Rollnick, and Barbara Buhler Lynes.

Left to right: Joan T. Washburn, Karen A. G. Loud, and Suzanne F. W. Lemakis.

Theodore Reff and Barbara Divver.

SOLVING PUZZLES: DISCOVERING O'KEEFFE

Doris Bry with George G. King.



Mr. and Mrs. Robert Linton.

Barbara Buhler Lynes with Meredith Ward (foreground); Barbara Mathes and Richard York look on.

Left to right: Alexandra Keiser, Frances Gray, and Nancy Ward.

Left to right: Helen and Philip Jessup, and Karen A.G. Loud.

STILL MISSING

The Following Items Stolen in 1986 and 1990 in Palm Springs, CA, and Published in *IFARreports*, July/August 1996, are Still Missing:

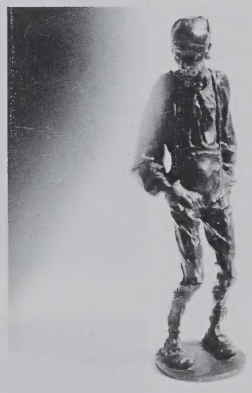
Works on Paper

Pier Francesco Fiorentino, Attrib. to (Italian, flourished 1470–1500) *Sketch of a Young Man*. Ochre-colored crayon. *86.172.1 (*IFARreports*, June 1986, no. 434).

Pablo Picasso (Spanish, 1881–1973). *Horse and Rider*, 1957. Gouache. 61.0 x 50.8 cm. Signed l/l, dated u/r. *86.172.2 (*IFARreports*, June 1986, no. 679).

Sculpture

John the Baptist and the Virgin Mary Interring Christ. (German, 15th century). Stone. Sculpted by a German master from the Rhine region. *90.123.1 (*IFARreports*, June 1986, no. 286).



Johannes Nadirainer (German, 19th century). *A Tired Man*. Bronze. Signed: "Joh. Nadirainer"; inscribed on the base: "Molded by H. Schabel, Dengg, Tegernsee." *90.123.2 (*IFARreports*, June 1986, no. 287).

Peter Makolies (German, b. 1936). *Judith*. Terra cotta. 35.6 x 39.4 cm. Signed. *90.123.3. (*IFARreports*, June 1986, no. 288).

For additional information, contact:

The Carlan Gallery
1556 N. Palm Canyon Drive
Palm Springs, California 92262
Tel: (760) 322-8002; Fax: (760) 320-5305

REWARD BY OWNER FOR INFORMATION LEADING TO RECOVERY.

Stolen Art Alert

The Stolen Art Alert is published in cooperation with the Art Loss Register (ALR), the art community, insurance companies, police, the FBI, and Interpol.

Most items in this publication are registered in the database of the Art Loss Register, with its New York office at 20 East 46th Street, New York, NY 10103 and its London office at 12 Grosvenor Place, SW1X 7HH.

The photo of each item is accompanied by a brief description of the work, the ALR catalogue number, if registered, and the date and place of theft. An asterisk * before the catalogue number means that a photograph of the stolen work is available, although not necessarily included in this issue.

The information contained in each entry is supplied by the owner, and IFAR does not accept responsibility for its accuracy.

Anyone wishing additional information should contact the ALR at (212) 297-0941.

Stolen Art

2.

3.

PAINTINGS

1. Jean-Léon Gérôme (French, 1859-1920). *Algerian Women at the Baths.* See photo inside back cover.

2. Berthe Morisot (French, 1841-95). *Young Girl with a Goat,* 1891. Oil on canvas. 71 cm x 64 cm. Stolen in France in 2002. Interpol folder: 2002/11594-1.

3. Marc Chagall (Russian/French, 1887-1985). *At the Circus.* Oil on canvas. 35 x 24.5 cm. Signed l/r. Stolen in France in 2002. Interpol folder: 2002/11594-1.

The following two murals by Maxfield Parrish (American, 1870-1966) were stolen from the Edenhurst Gallery in Los Angeles, CA on July 28, 2002. See Newsbrief on p. 8:

4. *Panel 3A* of the Gertrude Vanderbilt Whitney murals. See color photo inside back cover.

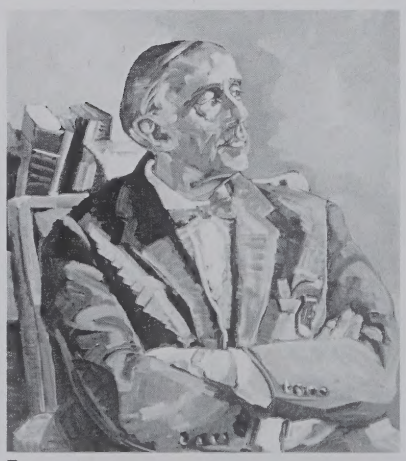
5. *Panel 3B* of the Gertrude Vanderbilt Whitney murals, 1914. Oil on canvas. 63 3/4" x 74".

5.

6. *George Hamilton* (American, 20th century). *Sails and Sea.* Acrylic on canvas. 28" x 30". *N02.66. Stolen during a street exhibition in Naples, FL on March 23, 2002.

7. Rebecca Chalkley Cooke (American, 20th century). *Portrait of Dean Louis Schwartz of University of Pennsylvania Law School,* c.1974-78.*N02.58. Stolen from the university during a move in Haverford, PA in January 2002.

6.



7.

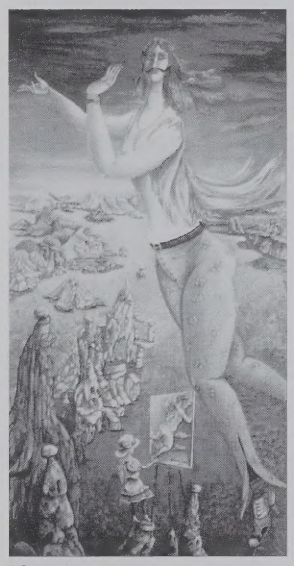
8. J. J. Waulx (20th century). A painting known by three titles: *Men of Bronze*; *First to the Rhine*; and *Hayward's Hell Fighters 15th Regiment.* Oil on canvas. 3' x 4'. *N02.55. Stolen in March 2002 when removed for repair from the NY State Division of Military Affairs.

8.

9. Tommaso Conca (Italian, 1734-1882). *Saint Michael the Archangel,* 1815. Oil on canvas in an oval frame. 80 x 70 cm. The saint wears a red cloak and blue armor and holds a sword in his right hand. Stolen from the Convent Sant'Angelo in Vetralla, Italy on June 4, 2002. Carabinieri, Rome #70525.

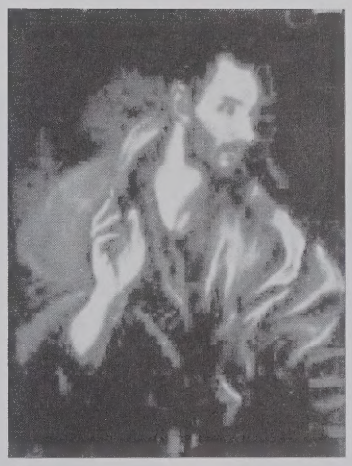
9.

10. Bele Bachem (German, 1935-86). *Herr als Schmetterling.* 130 x 65 cm. *L02.442. Stolen in Germany in February 2002.



10.

11. El Greco, studio of (Spanish, 1541-1614). *The Apostle Thomas.* Oil on canvas. 62.2 x 49.8 cm. Stolen from the Johannesburg Art Gallery sometime shortly before July 3, 2002 when it was discovered missing from its frame.



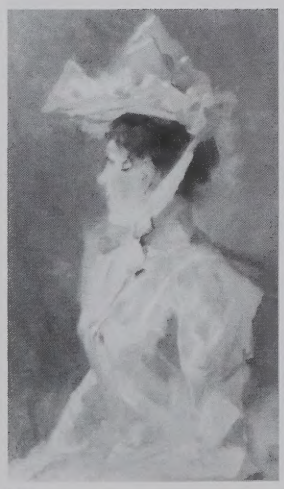
11.

12. Diego Velásquez, Attrib. (?) (Spanish, 1599-1660). *Study of a Dog.* Oil on canvas. 47.5 x 38 cm. *L01.48. Stolen in Madrid on January 13, 2001.

12.

The following items were stolen in London in January 1981. *L02.434:

13. *Portrait of Madame Cheret.* c.1890. Oil on panel. 32 x 20 cm. Believed to be signed "Jules Cheret."



13.

14. Bruno Ximenes (Italian, 1883-1921). *At the Window,* 1890. Oil on canvas. 76 x 61 cm. Signed and inscribed "Roma."

14.

15.

16.

17.

15. Charles Amable Lenoir (French, 1881-1940). *Cherub*, c.1890. Oil on canvas. Signed l/r: C. A. Lenoir.

16. Jules Lefebvre (French, 1836-1911). *After the Bath*, c.1890. Oil on canvas. 62 x 39 cm.

17. Theodor Josef Ethofer (Austrian, b. 1849/ d.?). *Portrait of a Young Woman in Yellow*, 1910. Oil on board. 62 x 46 cm. Signed: T. Ethofer, Salzburg, MCMX. Label: "Secessionist exhib. 1910 # 1764."

18.

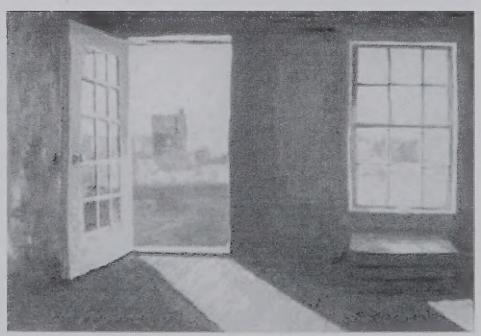
19.

18. William Stephen Coleman (English, 1829-1904). *Picking a Bouquet*, 1879. Oil on canvas. 56 x 33 cm. Signed and dated 1879 l/l.

19. *Street Scene*, c. 1885. British. 35.5 x 46 cm. Inscribed verso "Sea Brow St Liverpool."

DRAWINGS/ WORKS ON PAPER

20.



21.

20. Reginald Marsh (American, 1898-1954). *Street Corner*, 1927. Watercolor on paper. 10" x 13 7/8". *N02.65. One of four works stolen from storage sometime between May 15 and December 20, 2000 in Boyton Beach, FL.

21. Bo Bartlett (American, b. 1955). *Melanie's Room*. Gouache on paper. 22" x 28 1/2". *N02.92. Stolen from a New York gallery in June 2002.

22. Marianne Thune Haylock (English, 20th Century). *Foxglove*, 1999. Pastel and acrylic on paper. Signed l/r: MTh H 99. *L02.520.1. Stolen while in transit from Wales to London in January 2002.

22.

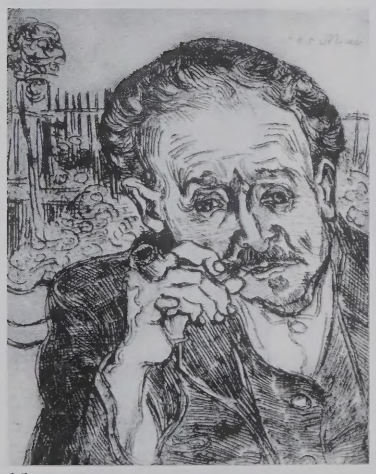
23. Rockwell Kent (1882-1971). *Man and Woman Holding Flag*, 1940. Pen and pencil on paper. 5 3/4" x 7 1/2". Stolen in Los Angeles, CA in March 2000. LAPD DR#00-0611736.

23.

24. Keith Haring (American, 1958-90). *Untitled*, 1985. Ink on paper. 14" x 11". Signed and dated. Stolen in Los Angeles, CA in February 2000. LAPD DR# 00-0607195.

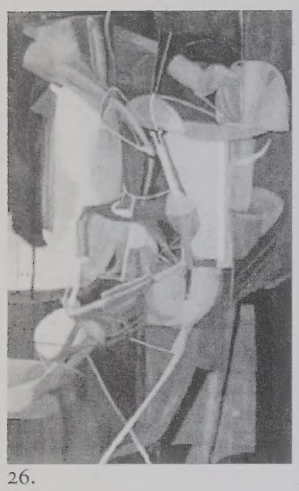
24.

25. Vincent Van Gogh (Dutch, 1853-90). *Portrait of Dr. Gachet*, 1890. Etching on thin China paper. Plate: 7 1/8" x 5 1/5". Sheet: 15 3/4" x 10 3/4". *N02.68. Stolen from a New York gallery sometime between 1995 and 2001.



25.

Stolen Art



26.

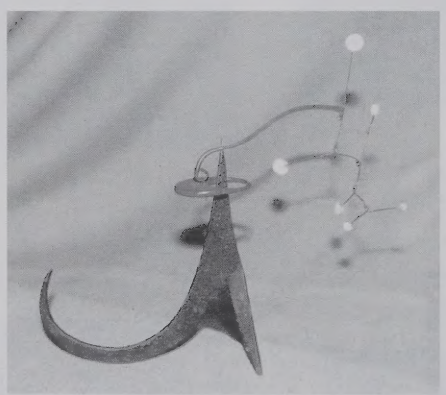
27.

PRINTS, LITHOS

26. Jacques Villon (French, 1875-1963). *La Mariée*, after Marcel Duchamp c.1934. Aquatint. 12 3/8" x 9 1/2". Signed in pencil by both artists. Stolen in Los Angeles, CA in 1995. LAPD DR# 95-0744106.

27. *Wiener Werkstatte postcard albums* (Austria, 1903-33). One of the only virtually complete collections extant of these cards, the albums comprised approximately 900 color lithograph postcards (each 5 1/2" x 3 1/2", most in mint condition, of which 6 are shown.) The cards were housed in two albums (each 10" x 14" x 4") and bound in black and white Wiener Werkstatte fabric. *N02.68. Stolen from a New York gallery sometime between 1995 and 2001.

28.



29.

30.

SCULPTURE

28. Alberto Giacometti (Swiss, 1901-66). Bronze. Ht: 32 cm. *C02.40. Stolen from the Kunsthalle exhibition center in Hamburg, Germany on May 25, 2002.

29. Alexander Calder (American, 1898-1976). *Untitled.* Painted iron. Ht: approx 8". *N02.85. Stolen from a Fort Lauderdale, FL residence. Discovered missing in May 2001.

30. Jane Decker (American, 20th century). *Coolhand Luke*, c.1994. Bronze. Signed DeDecker, 14/31. 50" x 25" x 16". *N02.51. Stolen from the backyard of a Los Angeles residence in February 2002.

PHOTOGRAPHS

The following photographs were among five stolen while in transit from a San Francisco gallery in March 2002. *N02.62:

31. Charles Clifford (Welsh, 1819-63). *Facade of Cloister.*

32. Frantisek Drtikol (Czech, 1883-1961). *Nude.*

31.

32.

AFRICAN ART

The following items were stolen from a residence in Palm Beach, FL during renovation in the owners' absence. The theft was discovered in July 2001. *N02.54:

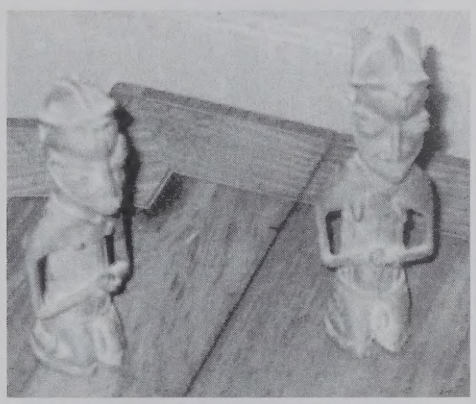
33. *Pair of Lower Nigerian Figures* (18^{th}-19^{th} century).

34. *Chi-wara Antelope.* Bambera. Wood. H: 36".

35. *Yoruba Epa Mask.* Wood with traces of original blue paint.

36. *Ibibio Mask* from Nigeria (19^{th} century).

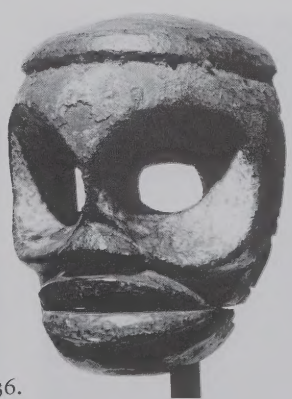
37. *Bapende Mask* from the Congo. Wood with fiber. H: 14".



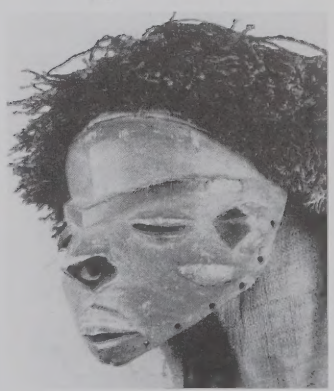
33.

34.

35.



36.

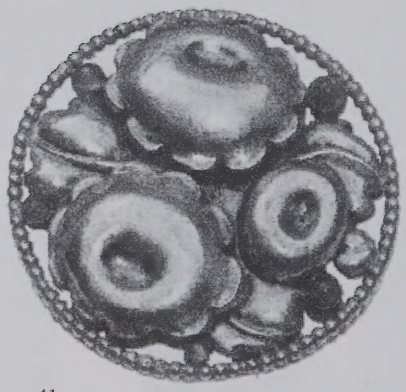


37.

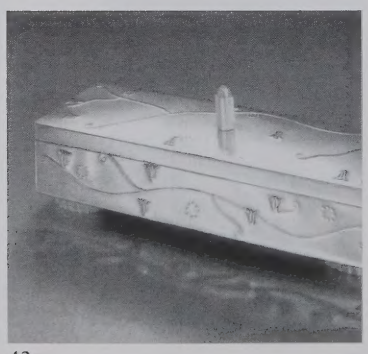
38.

39.

40.



41.



42.

ANTIQUITIES
PRE-COLUMBIAN

38. Colima Standing Dog "Smiling" (Protoclassic, c.100 BC-250 AD). Sienna and light brown terracotta in a polished patina. Ht: 9". L: 14 1/2". *N02.89. Lost in transit between California and Geneva, Switzerland on December 5, 2001.

DECORATIVE ARTS
CERAMICS, POTTERY, ARTS, PORCELAIN

39. Scott Brothers (English, 19th century). Stoneware pitcher. Brown, glazed. H: 7". *N02.63. Part of a collection discovered missing from a New York residence on January 23, 2002.

SILVER

The following silver items were stolen from a gallery in New York during business hours sometime between June 13 and June 18, 2002 (*N02.107):

40. Heddi Hirsch (Austrian, 20th Century). Wiener Werkstatte covered box, c. 1916-20, with polychrome enamel plaque lid. 2 3/4" x 5" x 6".

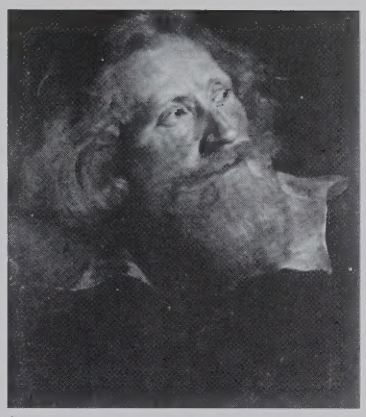
41. Franz Karl Delavilla (designer) and Oskar Dietruch (maker) (Austrian, 20th century). Brooch, c.1913, with gilded bezel set with chrysoprase cabochons. Diam.: 44 mm.

42. Friederike Maria Beer (designer) and Josef Hoffman (maker) (Austrian, 20th century). Wiener Werkstatte covered box, c.1908, with ebony finial and feet, 3 1/2" x 9 1/8" x 3 1/16".

Recovered Art

PAINTINGS

1. Peter Paul Rubens (Flemish, 1577-1640). *Portrait of Erycius Puteanus*, c.1651-30. Oil on panel. 52.1 x 41.9 cm. (*IFARreports*, Jul./Aug. 1886, no. 634, *86.200.10) One of 18 works stolen in 1986 from Russborough House, owned by Sir Alfred Beit, in County Wicklow, Ireland. Recovered on August 7, 2002, in Dublin by police acting on a tip. The painting has been returned to the Beit Foundation and will be kept in the Irish National Gallery. Two paintings from the theft are still missing.



1.

2.

2. Titian (Tiziano Vecellio) (Italian, 1490-1576). *Rest on the Flight into Egypt*, 1510. Oil on panel. 18" x 24". *L95.80.1. Stolen in January 1995. Recovered in August 2002. See story on p. 9.

3.

3. Silvio Poma (Italian, 1841-1932). *Sailboat with Figures by a Lake*. Oil on panel. 30 x 20 cm. Stolen from a residence in Milan, Italy on July 20, 2002. Recovered by the Carabinieri in Milan on March 18, 2002. Inventory #67661-1.

SCULPTURES

4. Michelangelo Naccherino (Italian, 1550-1622). *The Child Saint John the Baptist*. White marble. Ht: 100 cm. Stolen from the Church of the Nativity of Maria Santissima and All Saints Gerolamini in Neapolis, Italy on February 13, 2002. Recovered by the Carabinieri from a private residence in Rome on March 13, 2002.

4.

5.

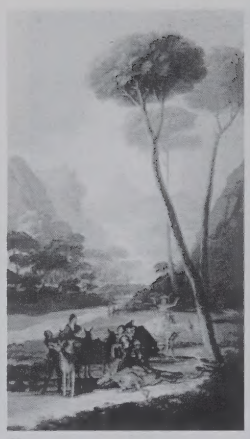
ANTIQUITIES

5. *Bust of the Goddess Minerva* (Roman). Bronze. Ht: 14 cm. W: 7 cm. Stolen from an archaeological site in Herculaneum, Italy on July 23, 1975. Recovered by the Carabinieri from an exhibit in Maastricht, Holland on March 18, 2002.

Recovered Art

On August 8, 2001, 20 paintings and sculptures were stolen from the Madrid residence of Spanish billionaire Esther Koplowitz. They had all been stored in one room during construction. In December, the Spanish police arrested the security guard from Koplowitz's home and three other suspects. In June 2002, the police, with help from the FBI, recovered ten of the paintings. In September 2002, the other ten works were found. Five of these are illustrated below and on the next page and two more on the inside back cover. The other recovered paintings are: Hermengildo Anglada-Camarasa, *Still Life with Flowers*; Carlos De Haes, *European Mountain Scene* and *Autumn in the Mountains*; Joaquin Sorolla Y Bastida, *Al Bano Valencia*; Foujita, *Dolls House and Girl with Hat*; Jose Gutierrez Solana, *Carnival Scene*; Lucas, *Landscape with Sailboats*; Loir Luigi, *L'Avenue du Bois de Bologne*; Francisco and Ortiz Pradilla, *Port of Anzio*; Unknown, *Woman with Small Bird in Her Hands*; Unknown, *Banquet with Orchestra.*

6.



7.

8.

9.

6. Francisco de Goya (Spanish, 1746-1828). *The Swing.*

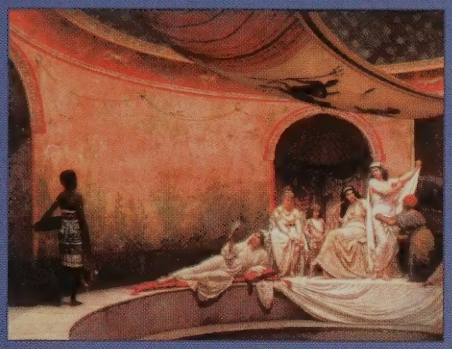
7. Francisco de Goya (Spanish, 1746-1828). *Donkey's Fall.*

8. Juan Gris (Spanish, 1887-1927). *Guitar on a Chair.* Mixed media on canvas.

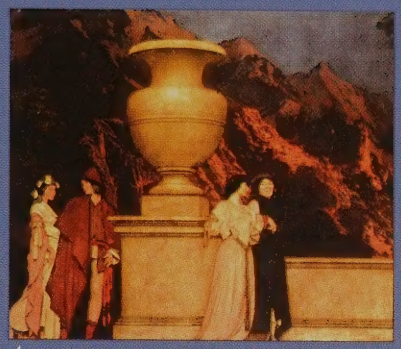
9. Maximilien Luce (French, 1858-1941). *The Factory.* Oil on canvas.

10. Peter Brueghel, the Elder (Flemish, c.1525-69). The *Temptation of St. Anthony.* See photo inside back cover.

11. Camille Pissarro (French, 1830-1903). *Landscape.* See photo inside back cover.



1.



4.

Stolen Art

1. Jean-Léon Gérôme (French, 1859-1920). *Algerian Women at the Baths.* Oil on canvas transferred to masonite panel. 34 7/8" x 59 1/8". Signed. *L02.518. Stolen from a Pennsylvania owner in March 1995.

4. *Panel 3A* of the Gertrude Vanderbilt Whitney murals, 1914. Oil on canvas. 63 3/4" x 74". Signed. Stolen from a Los Angeles gallery on July 28, 2002. See Newsbrief on p. 8.

Recovered Art

The following two paintings stolen in Madrid in August 2001 were recovered in July 2002 (*L01.730). See also, nos. 6–9, p. 52.

10. Peter Brueghel, the Elder (Flemish, c.1525-69). *The Temptation of St. Anthony.*

11. Camille Pissarro (French, 1830-1903). *Landscape at Eragny.*

10.

11.

Invitation to Join and Support IFAR

SUBSCRIBER $65
One-year subscription to *IFAR Journal*, notice of events. Overseas subscribers please add $20 for mailing costs.

ASSOCIATE $100
One-year subscription to *IFAR Journal* and one complimentary admission to an IFAR Evening.

MEMBERSHIP/SUPPORT
All membership contributions are tax-deductible to the extent permitted by law.

Member:	Individual $250	Corporate $1,000
Sustainer:	Individual $500	Corporate $2,500
Patron:	Individual $1,000	Corporate $5,000
Conservator:	Individual $2,500	Corporate $7,500
Benefactor:	Individual $5,000	Corporate $10,000

Please make checks payable to IFAR

NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

_____

TELEPHONE _____

International Foundation for Art Research, 500 Fifth Avenue, New York, NY 10110

Art Theft Archive Newsletter
The Case For Notoriety
Art Research News
Volume 1 Number 2 / 1981
Art Research News is the quarterly membership publication of the International Foundation for Art Research
International Protection of Cultural Property
Morning papers of the Symposium held October 17, 1980 Dedicated to Chester F. Gorman
IFARreports
Volume 12, Number 4
April 1991
Formerly the Stolen Art Alert and Art Research News
INDEX OF STOLEN ART
1977
INTERNATIONAL FOUNDATION FOR ART RESEARCH
Art Theft:
its scope, its impact, and its control
by Bonnie Burnham
IFAR Journal
INTERNATIONAL FOUNDATION FOR ART RESEARCH
VOLUME 2 NUMBER 2 SPRING 1999
ANTIQUITIES UPDATES:
GETTY RETURNS THREE OBJECTS TO ITALY
DISPUTED COINS GO TO TURKEY
COLUMBIA CONFERENCE: WHO OWNS CULTURE?
DEGAS' LITTLE DANCER: WHAT TECHNICAL ANALYSIS TELLS US
WORLD WAR II TROPHY ART: A PERSPECTIVE
INCORPORATING Stolen Art Alert

The International Foundation for Art Research (IFAR), established in 1969, is a 501 (c)(3) not-for-profit educational and research organization dedicated to integrity in the visual arts. IFAR offers impartial and authoritative information on authenticity, ownership, theft, and other artistic, legal, and ethical issues concerning art objects. IFAR serves as a bridge between the public and the scholarly and commercial art communities. We publish the quarterly *IFAR Journal*, organize symposia and public programs, offer an Art Authentication Service, provide a forum for debate, and serve as an information resource.

We invite you to join our organization and help support our activities.